

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1993

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, FEBRUARY 2, 1993



Vol. 2

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles;
10. A House bill numerical index, with short titles;
11. A Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.

TWENTY-THIRD LEGISLATIVE DAY

TUESDAY, APRIL 20, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Wendell Mitchell, Thirtieth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jessica Lay, Asbury Junior High School, Albertville, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CRUM FOSHEE,
Deputy Chairperson.

COMMITTEE REPORT

On motion of Senator Foshee, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Barron, Dixon, Hale, and Lipscomb for today.

FURTHER CONSIDERATION OF HB 191

The Senate proceeded to further consideration of the Bill:

H. 191. To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

having been postponed on the Nineteenth Legislative Day, was taken up.

Senator Corbett offered the following substitute for the Bill, HB 191, to-wit:

SUBSTITUTE FOR HB 191

To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 138. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

Also:

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 326. To amend Section 41-9-450, Code of Alabama 1975, providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 459. Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and

12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 191

The Senate proceeded to further consideration of the Bill, HB 191. The question was on the Corbett substitute.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 14 Nays 12

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Dial, Ellis, Floyd, Foshee, Hill, Langford, Little, Owens, Smith (B), Waggoner, and Windom -14

Nays:

Senators:

Bailey, Campbell, Corbett, Escott-Russell, Figures, Ghee, Lindsey, Mitchell, Mitchem, Sanders, Smith (J), and Wilson -12

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 138. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

Also:

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund.

Also:

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

Also:

S. 326. To amend Section 41-9-450, Code of Alabama 1975, providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

Also:

S. 459. Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 346. To amend Section 36-27-6, Code of Alabama 1975, to

prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 191

The Senate proceeded to further consideration of the Bill, HB 191.

Senator Sanders offered the following substitute for the Bill, HB 191, to-wit:

SUBSTITUTE FOR HB 191

To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 14 Nays 13

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Ellis, Floyd, Foshee, Hill, Langford, Little, Smith (B), Waggoner, and Windom -14

Nays:

Senators:

Bailey, Campbell, Corbett, Escott-Russell, Figures, Ghee, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, and Wilson -13

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 346. To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 191

The Senate proceeded to further consideration of the Bill, HB 191.

Senator Corbett offered the following substitute No. 2, for the Bill, HB 191, to-wit:

SUBSTITUTE NO. 2 FOR HB 191

To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 16 Nays 14

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Little, Owens, Parsons, Smith (B), and Waggoner -16

Nays:

Senators:

Bailey, Campbell, Corbett, Denton, Escott-Russell, Figures, Ghee, Lindsey, Mitchell, Mitchem, Sanders, Smith (J), Wilson, and Windom -14

And said Bill, HB 191, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee (By Request) (With Notice and Proof):

S. 640. Amending Section 10 of Act No. 30, H. 6, 1975 Regular Session (Acts 1975, p. 251), as last amended by Act No. 90-464 (Acts 1990, p. 660), to provide further for distribution of proceeds from certain sales and use taxes to the Health Care Authority of Cullman County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 640, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell (With Notice and Proof):

S. 641. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 641, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bolling (With Notice and Proof):

S. 642. Relating to Fayette County; to alter the organization and composition of the county commission, provide for rotating the terms of chair of the commission; to reduce the compensation of the commission; to establish a shop and unit road system for the operation of the county roads and bridges; to provide for the employment of a clerk/administrator; to provide for the employment of a county engineer; to

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provide for the employment of a county supervisor; and to require members of the county commission to inspect the roads and bridges in their districts.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 642, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari:

S. 643. Amending Section 16-25A-5, Code of Alabama 1975, to allow certain former employees of certain public education entities to elect to participate in the Public Education Employees' Health Insurance Plan under certain conditions.

Committee on Public Welfare

By Senators Wilson and Escott-Russell:

S. 644. To create the West Alabama Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and state, county, and municipal agencies in the region; and to provide for the appointment of authority members.

Committee on Governmental
Affairs/State Administration

By Senators Wilson and Escott-Russell:

S. 645. To create the Corridor X Economic Development Council to encourage comprehensive and coordinated planning and programming of economic and community affairs for the region and to provide for the appointment of council members.

Committee on Governmental
Affairs/State Administration

By Senators Wilson and Escott-Russell:

S. 646. To create the West Alabama Sports Association to encourage and attract more professional athletic, sporting, and promotional events to the region, and to develop publicity and promotional programs

for the support of those events and to provide for the appointment of association members.

Committee on Governmental
Affairs/State Administration

By Senators Wilson and Escott-Russell:

S. 647. To create the Corridor X Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and state, county, and municipal agencies in the region; and to provide for the appointment of authority members.

Committee on Governmental
Affairs/State Administration

By Senators Wilson and Escott-Russell:

S. 648. To create the West Alabama Agricultural Council to plan and develop programs of information and aid and assist farmers and agricultural related industries and the securing of financing in the region and to provide for the appointment of council members.

Committee on Energy and
Natural Resources

By Senator Wilson:

S. 649. To create the Warrior River Development Association to plan and develop all programs of information, commerce, and recreational activities designed to assist the economic growth of the region and to provide for the appointment of association members.

Committee on Energy and
Natural Resources

By Senators Wilson and Escott-Russell:

S. 650. To create the West Alabama Tourist Association to plan and develop all programs of information and publicity designed to attract tourists to the region and to provide for the appointment of association members.

Committee on State Development
and Tourism

By Senator Sanders (With Notice and Proof):

S. 651. Relating to Wilcox County; to provide for certain forms

of legalized gambling in Wilcox County; to provide for definitions; to establish a gaming commission; to regulate gaming in Wilcox County and to provide for compensation of the commission; to provide for an executive director and the duties and powers of the executive director; to provide for an enforcement division and an investigative division of the commission; to provide for transportation of gambling devices and regulation of the manufacturers of gambling devices by the commission; to provide procedures for issuing licenses, audits, inspections, and license fees; to provide for the exclusion of certain persons from gaming establishments; to create a special fund for bonds of county gaming licensees; to provide for remedies; to provide for taxation of license holders and the distribution of the taxes; to provide for work permits; to provide age requirements for patrons and employees; to provide for the legality of gaming debts; to provide for crimes and liabilities concerning gaming; to provide for judicial review; to provide for conduct of gaming by corporations, partnerships, holding companies, and other forms of business organizations; to provide for gaming on cruise vessels or vessels; to provide for exemption from federal laws prohibiting gaming devices; and to provide for a referendum.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 651, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,
Secretary.

By Senators Wilson and Escott-Russell:

S. 652. To create the West Alabama Arts Council to encourage the study of the arts and promote interest in art in the region and to provide for the appointment of the council.

Committee on State Development
and Tourism

By Senator Waggoner:

S. 653. To regulate and license private detectives and private investigators engaged in private investigative business; to create the Private Detective and Private Investigator Board and provide for its powers and duties; to provide for licensure and application fees, record retention, and inspection; to provide for exceptions; and to provide for felony and misdemeanor penalties.

Committee on Governmental
Affairs/State Administration

By Senator Escott-Russell (With Notice and Proof):

S. 654. Relating to Jefferson County; providing certain county supplements for the secretaries for district and circuit court judges in the county.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 654, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Lindsey:

S. 655. Amending Section 22-21-24, Code of Alabama 1975, providing that certain hospitals and health institutions meeting conditions of participation for the Medicare/Medicaid program are deemed to be licensable without meeting additional licensing regulations.

Committee on Health

By Senator Ghee:

S. 656. To repeal the Deceptive Trade Practices Act, Sections 8-19-1 to 8-19-15, inclusive, Code of Alabama 1975; to define and prohibit unlawful advertising and trade practices; to authorize the Attorney General and the district attorneys to prosecute violators civilly or criminally, or both; to provide penalties and establish a statute of limitations; and to authorize the Attorney General to promulgate rules and procedures for enforcing the act.

Committee on Constitution
and Elections

By Senator Langford (With Notice and Proof):

S. 657. Relating to the Water Works and Sanitary Sewer Board of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 657, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Little:

S. 658. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

Committee on Local
Legislation No. 1

By Senators Wilson and Escott-Russell:

S. 659. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

Committee on Energy and
Natural Resources

MOTION TO RECONSIDER LOST

Senator Ghee moved that the Senate reconsider the vote by which the Bill, HB 191, was passed.

On motion of Senator deGraffenried, said motion to reconsider was laid on the table.

Yeas 16 Nays 12

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Mitchell, Owens, Smith (B), and Waggoner
-16

Nays:

Senators:

Bailey, Campbell, Corbett, Escott-Russell, Ghee, Lindsey, Little, Mitchem, Parsons, Sanders, Smith (J), and Wilson
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BUDGET ISOLATION RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill, HB 192.

Senator Corbett, B.I.R., HB 192, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton,
Escott-Russell, Floyd, Foshee, Ghee, Horn, Lindsey, Little, Mitchell,
Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and
Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

was taken up.

The Standing Committee on Public Welfare reported the following substitute for the Bill, HB 192, to-wit:

SUBSTITUTE FOR HB 192

A BILL TO BE ENTITLED AN ACT

To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1994, the sum of \$2,760,059 out of the funds accruing to the Alabama Special Educational Trust Fund after the effective date of this act to be used for the support and maintenance of the Emergency Medical Services Programs as follows:

(1) Alabama Department of Public Health for funding the Birmingham Regional Emergency Medical Services System, \$320,512.

(2) Alabama Department of Public Health for funding East Alabama Emergency Medical Services, Inc., \$320,512.

(3) Alabama Department of Public Health for funding North Alabama Emergency Medical Services, Inc., \$320,511.

(4) Alabama Department of Public Health for funding Southeast Alabama Emergency Medical Services, Inc., \$320,511.

(5) Alabama Department of Public Health for funding Southwest Alabama Emergency Medical Services, Inc., \$320,511.

(6) Alabama Department of Public Health for funding West Alabama Emergency Medical Services, Inc., \$320,511.

(7) Alabama Department of Public Health for funding regional equipment and training grant funds for emergency medical services, \$279,594.

(8) Alabama Department of Public Health for improvement in emergency medical services through services offered at the state level, \$93,198.

(9) Trenholm State Technical College, \$154,733.

(10) Gadsden State Community College, \$154,733.

(11) Lurleen B. Wallace State Junior College, \$154,733.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) shall be disbursed by contract with the agencies named for placement in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment and tuition and expenses for training by emergency medical services providers. Funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee,
Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders,
Smith (B), Smith (J), Wilson, and Windom -27

Nays:

- 0

Senator Corbett offered the following substitute for the Bill, HB
192, as amended by the substitute, to-wit:

SUBSTITUTE FOR HB 192, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To provide an appropriation for the support and maintenance of
the Emergency Medical Services Programs for the fiscal year ending
September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated for the fiscal year ending
September 30, 1994, the sum of seven million five hundred forty-five
thousand eight hundred eighty dollars (\$7,545,880), out of the funds
accruing to the Alabama Special Educational Trust Fund after the
effective date of this act, to be used for the support and maintenance of
the Emergency Medical Services Programs as follows:

(1) Alabama Department of Public Health for funding the Bir-
mingham Regional Emergency Medical Services System
.....\$320,512

(2) Alabama Department of Public Health for funding East Ala-
bama Emergency Medical Services, Inc.
.....\$320,512

(3) Alabama Department of Public Health for funding North Ala-
bama Emergency Medical Services, Inc.
.....\$320,511

(4) Alabama Department of Public Health for funding Southeast
Alabama Emergency Medical Services, Inc.
.....\$320,511

(5) Alabama Department of Public Health for funding Southwest
Alabama Emergency Medical Services, Inc.
.....\$320,511

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(6) Alabama Department of Public Health for funding West Alabama Emergency Medical Services, Inc.

.....\$320,511

(7) Alabama Department of Public Health for funding regional equipment and training grant funds for emergency medical services

.....\$279,594

(8) Alabama Department of Public Health for improvement in emergency medical services through services offered at the state level

.....\$ 93,198

(9) Trenholm State Technical College

.....\$250,000

(10) Gadsden State Community College

.....\$250,000

(11) Lurleen B. Wallace State Junior College

.....\$250,000

(12) Wallace State Community College at Hanceville

.....\$250,000

(13) Wallace Community College at Dothan

.....\$250,000

(14) Chattahoochee Valley Community College

.....\$250,000

(15) Alabama Southern Community College

.....\$250,000

(16) Ayers Technical College

.....\$250,000

(17) Calhoun Community College

.....\$250,000

(18) Shelton State Community College

.....\$250,000

(19) Wallace Community College at Selma

.....\$250,000

(20) Bishop State Community College

.....\$250,000

(21) University of South Alabama	\$250,000
(22) Shoals Community College	\$250,000
(23) Bevill State Community College	\$250,000
(24) Enterprise State Community College	\$250,000
(25) Jefferson State Community College	\$250,000
(26) J. F. Drake Technical College	\$250,000
(27) Northwest Community College	\$250,000
(28) Southern Union	\$250,000
(29) Central Alabama Community College	\$250,000
(30) Jefferson State Community College	\$250,000

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) shall be disbursed by contract with the agencies named for placement in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment and tuition and expenses for training by emergency medical services providers. Funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. All laws or parts of laws which conflict with this act are repealed.

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Section 4. This act shall become effective on October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 15 Nays 13

Yeas:

Senators:

Bailey, Campbell, Corbett, Denton, Figures, Foshee, Ghee, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (J), Wilson, and Windom -15

Nays:

Senators:

Amari, Bedsole, Bennett, Bolling, deGraffenried, Dial, Ellis, Floyd, Hill, Horn, Langford, Parsons, and Smith (B) -13

And said Bill, HB 192, as amended by the substitute, was read a third time at length and passed.

Yeas 22 Nays 6

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, Denton, Escott-Russell, Figures, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -22

Nays:

Senators:

Bolling, deGraffenried, Dial, Ellis, Floyd, and Horn - 6

RESOLUTIONS

Senators Bedsole, Floyd, Bennett, Dial, Ghee, Lindsey, Figures, Windom, and Escott-Russell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 101. COMMENDING JANE DIFLEY ON OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Senate of the Alabama Legislature is happy to note the election of Jane Difley as president of the Society of American Foresters which has 18,000 members; and

WHEREAS, Jane Difley is not only the first female president of the Society of American Foresters, she also is the first female and the youngest person to be a member of the Society of American Foresters Council; and

WHEREAS, prior to assuming the presidency of the foresters' national organization, Ms. Difley won the respect and admiration of her peers for her broad knowledge of the various programs and problems related to the forestry industry, the environment, wildlife sanctuaries and habitats, and recreational needs; and

WHEREAS, Jane Difley is the vice president of Forestry and Tree Farm for the American Forest Foundation, a program of vital importance nationwide to the forestry industry, especially in Alabama which has one of the largest tree farm programs with 2,700 participants; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Ms. Jane Difley on her selection as the first female and youngest person to serve as President of the Society of American Foresters and as a member of the Society of American Foresters Council, and her many other outstanding achievements.

RESOLVED FURTHER, That a copy of this resolution be provided for Ms. Difley as a token of our respect and esteem.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 102. CONGRATULATING MR. AND MRS. STEVE VICKERY ON THE BIRTH OF THEIR NEW SON AND DAUGHTER.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama congratulates Scottie and Steve Vickery of Birmingham, Alabama, on the birth of twins William Christopher Vickery and Katherine Collier Vickery on April 8, 1993; and

WHEREAS, a fine baby boy, William Christopher weighed seven pounds, three ounces at birth and arrived just one minute ahead of his healthy and beautiful sister, Katherine Collier, who weighed six pounds, seven ounces; and

WHEREAS, we are indeed very proud for Scottie and Steve in their new state of parenthood and sincerely wish that the happiness they now enjoy increases with every passing year as Will and Katie continue to "double their pleasure" throughout life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. and Mrs. Steve Vickery on the birth of William Christopher and Katherine Collier on April 8, 1993.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Scottie and Steve, along with copies for their children and for grandparents, Nancy and Tharpe Forrester and Marti and Jim Vickery, that they all may know of the happiness we share with them.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 103. COMMENDING VANIA CLEMONS AS MISS AUBURN 1993-94.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the selection of Vania Clemons as Miss Auburn 1993-94; and

WHEREAS, a native of Mobile, Miss Clemons is a senior majoring in electrical engineering, and a member of the National Society of Black Engineers and the Alpha Phi Alpha Sweetheart organization; and

WHEREAS, Miss Clemons, the first black woman to be chosen as Miss Auburn, focused her campaign on unity--on bringing people together and working together, striving to move forward in a time of racial diversity; and

WHEREAS, as the University's official hostess, Miss Clemons, an enchanting and intelligent young lady, will work with the Alumni Association, the SGA, and the student body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Vania Clemons of Mobile, Alabama, as 1993-94 Miss Auburn, and direct that she receive a copy of this resolution that she may know of our sincere pride in her accomplishment and warm best wishes for every future success and happiness in life.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 497. To make a supplemental appropriation from the Ala-

bama Special Educational Trust Fund in the State Treasury to the Autauga County Board of Education, the Covington County Board of Education, and the Talledega County Board of Education for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Senate concurred in and adopted the following House amendment to the Bill, SB 497, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 497

A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the several local boards of education for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the Alabama Special Educational Trust fund in the State Treasury the sum of \$3,906,000 to the following local boards of education for capital outlay purposes to reconstruct, renovate or repair school buildings that have been destroyed or damaged by fire or other natural disaster since October 1, 1990:

- a. Attalla City Board of Education -
Curtiston Elementary.....90,000
- b. Autauga County Board of Education -
Marbury School and Autaugaville
School Gymnasium1,300,000
- c. Calhoun County Board of Education -
Pleasant Valley School75,000
- d. Macon County Board of Education -
Tuskegee Institute High School.....81,000
- e. Talladega County Board of Education1,150,000
- f. Covington County Board of Education -
Straughn High School415,000

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g.	Escambia County School System.....	320,000
h.	Walker County Board of Education - Oakman Elementary and High School	150,000
i.	Chilton County Board of Education - Henry Adair Middle School.....	25,000
j.	Shelby County Board of Education - Montevallo Middle School	200,000
k.	Sumter County Board of Education.....	100,000

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 850 - to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cullins and Haney:

H. 14. To amend Section 32-5-240, Code of Alabama 1975, to require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 14 - to the Committee on Industrial Development and Expansion

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

H. 45. Relating to the City of Attalla; amending Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, relating to the city board of education, to provide for the election of the chair and vice-chair of the board annually and to increase the compensation of the board from \$100 per month to \$300 per month.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 45, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 758. To authorize the County Commission of Bibb County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated in Bibb County, the special ad valorem tax for necessary public buildings, bridges, and roads which is authorized in Section 215 of the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy may be used only for the acquisition, construction, maintenance, and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 758, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 763. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 779. Relating to Lawrence County; to alter, rearrange, and

extend the boundary lines and corporate limits of the Town of North Courtland to cause areas east of and contiguous to existing corporate limits to be included within the Town.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 45, 758, 763, and 779 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby (With Notice and Proof):

H. 796. Relating to Mobile County; providing for the county governing body to reimburse the offices of judge of probate, revenue commissioner, or license commissioner for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain annual maximum per office; and providing that reimbursement payments be made from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 796, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

H. 840. Relating to Greene County; to amend Section 17 of

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Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 840, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Black (L) and Blakeney (With Notice and Proof):

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 843, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Cagle, Parker (T), Poole, Melton, and Layson (With Notice and Proof):

H. 849. Relating to Tuscaloosa County; to amend Section 2 of Act No. 81-739, H. 1088 of the 1981 Regular Session (Acts 1981, p. 1266), which provides further for distribution of bonus payments to employees on a pro rata basis of employment who have been employed for one month.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 796 - to the Committee on Local Legislation No. 3

HB's 840, 843, and 849 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Gaston, Zoghby, Harper, Rockhold, Box, Buskey, Turner, Clark (W), and Kennedy (With Notice and Proof):

H. 787. Relating to Mobile County, providing for a one time distribution to the Mobile Symphonic Pops Band, Inc., from funds received by the City of Mobile from the additional state sales tax levied on alcoholic beverages.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 787, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Buskey (With Notice and Proof):

H. 790. Relating to Mobile County; providing for an annual distribution to the Mobile County Legislative Delegation Office from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. McDaniel and Rich (With Notice and Proof):

H. 815. Relating to Marshall County; to provide for the appointment, authority, and terms of office of the emergency telephone service board of commissioners.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 815, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rich and McDaniel (With Notice and Proof):

H. 816. Regulating the liquor traffic in Marshall County; providing for certain taxes on alcoholic beverages in any community development district in the county and distributing the proceeds from the taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 816, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 818. Relating to Pike County; to provide a salary for the Judge of Probate of Pike County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 818, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 821. Relating to Pike County; providing for the election and compensation of the Chair of the Pike County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 821, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

H. 839. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 839, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 787 and 790 - to the Committee on Local Legislation No. 3

HB's 815, 816, 818, 821, and 839 - to the Committee on Local
Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 825. To propose an amendment to the Constitution of Alabama of 1901, relating to Covington County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from

the tax to the fire departments and to the rescue squads; providing for expenditure and accounting of the funds; providing for treatment of funds upon dissolution or abandonment of a fire department or rescue squad; granting immunity from certain liability to the county and providing for a referendum election on the amendment.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 825 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 497. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the several local boards of education for the fiscal year ending September 30, 1993.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 118. To prohibit local governments from passing ordinances regulating pesticides.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedsole, the Senate concurred in and adopted the following House amendment to the Bill, SB 118, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 118

A BILL
TO BE ENTITLED
AN ACT

To prohibit local governments from passing ordinances regulating pesticides, to provide for certain exceptions, and to provide the Alabama Pesticide Act preempts any other law or ordinance regulating pesticides.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The term "pesticides" as used herein shall have the same meaning as set forth in the Alabama Pesticide Act, Section 2-27-2(1), Code of Alabama 1975.

(b) Except as provided in Section 2 of this act, no county, municipal corporation, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacturing, or application of pesticides.

Section 2. This act shall not prohibit or affect the right of any county, municipal corporation, or other political subdivision of this state to adopt and enforce the provisions of the Standard Building Code, Standard Fire Prevention Code, or the codes, standards, and recommended practices of the National Fire Protection Association.

Section 3. Any local law or general law of local application regulating pesticide use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacturing, or application is repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 20 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchell, Sanders, Smith (B), Waggoner, and Windom -20

Nay: Senator Bailey

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 427. To authorize the state of Alabama and its agencies, boards, commissions and departments, and counties, municipalities, county boards of education, city boards of education and various other political subdivisions, instrumentalities and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts and similar agreements and arrangements relating to tangible personal property; to delineate certain mandatory and optional provisions of such leases, contracts, agreements and arrangements; to provide the conditions under which such lease contracts, agreements and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor or other comparable party under such leases, contracts, agreements and arrangements in the event of expiration, cancellation or termination of such leases, contracts, agreements or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that such leases, contracts, agreements or arrangements are general obligations of such governmental entity or are limited obligations of such governmental entity payable from a specified source and to secure such leases, contracts, agreements and arrangements with pledges by governmental entities of taxes levied by such governmental entity, payments in lieu of taxes paid or payable to such governmental entity, taxes apportioned and paid to such governmental entity, income from the investment of moneys lawfully held by such governmental entity and revenues from revenue-producing properties; to declare that such leases, contracts, agreements and arrangements constitute the exercise by such governmental entities of their borrowing power and constitute "evidences of indebtedness" under Section 8-8-7 of the Code of Alabama 1975, as amended, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness or securities of specified governmental entities; to provide that such leases, contracts, agreements and arrangements are legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, and trustees; to provide that such act is declaratory of existing law; to repeal section 11-80-8 of the Code of Alabama 1975, as amended; and to provide an effective date of such act.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Windom, the Senate concurred in and

adopted the following House amendment to the Bill, SB 427, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 427

Amend SB 427 on Page 3, Section 2, Line 24 after the word "as" by inserting the word may

and further amend on Page 9, Section 5, Line 4 after the word "grantor" by deleting the word ~~property~~ and insert in lieu thereof the word party

and further amend on Page 11, Section 5, Line 28 by deleting after the word "by" the following: ~~the provisions of this chapter~~ and inserting in lieu thereof the phrase this act

and further amend on Page 12, Section 6, Line 9, after the word "this" by deleting the word ~~section~~ and inserting in lieu thereof the phrase act

and further amend on Page 13, Section 9, Line 4, after the word "authorized" by deleting the word ~~thereby~~ and inserting in lieu thereof the word hereby

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,000,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and further consideration of the following House amendment to the Bill, SB 255, the title of which is set out in the foregoing Message from the House, was postponed subject to the call of the Chair.

SUBSTITUTE FOR SB 255

A BILL
TO BE ENTITLED
AN ACT

To appropriate from the General Fund of the State Treasury the sum of \$1,750,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries, Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication and to the Pine Beetle Inspection Program; to provide that the appropriation shall be supplemental.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is hereby appropriated from the General Fund of the State Treasury for the fiscal year ending September 30, 1993, the supplemental sum of \$1,750,000 to the Department of Agriculture and Industries, Agricultural Development Services Program.

(b) Of the above supplemental appropriation in Section 1 (a), \$1,600,000 shall be allocated to the Boll Weevil Eradication Foundation for purposes of boll weevil eradication.

(c) Of the above supplemental appropriation remaining in Section 1 (a), \$150,000 shall be allocated to the Pine Beetle Inspection Program.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 256. To amend Section 16-51-6, Code of Alabama 1975,

relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Senate concurred in and adopted the following House amendment to the Bill, SB 256, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 256

Amend SB 256 on page 3, Section 1, line 4 by adding after the period the following: The merger provisions of this section shall not apply to Alabama A & M University or Alabama State University.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchell, Sanders, Smith (B), Waggoner, Wilson, and Windom

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Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

H. 612. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 612 - to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Hawkins:

H. 322. Imposing additional fines on persons convicted of offenses involving driving under the influence and providing for administration and disposition of the proceeds from the additional fines.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 322 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan (With Notice and Proof):

H. 808. Relating to Baldwin County; to establish a public corporation known as the "Alabama Gulf Coast Convention and Visitors Bureau"; to define the boundaries of a "Lodging Tax District" within Baldwin County; to provide for the levy of a lodging tax and the collection of the tax within the defined "Lodging Tax District"; and to provide for the distribution of the tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 808, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 808 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carothers:

H. 347. To amend Sections 36-21-60, 36-21-61, and 36-21-63, Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund, to further provide for membership on the Board of Commissioners.

Also:

By Rep. Clark (W):

H. 469. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, relating to the Youth Services Department Special School District, to permit the district to provide education in juvenile detention facilities; and provide further for teachers in the district.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 347 and 469 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McClain, Freeman, Starkey, Hammett, McDaniel, McDowell, and Hooper:

H. 675. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 675 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Walker:

H. 2. To provide further for child custody determinations in juvenile proceedings and to clarify state law regarding foster care; and to amend Section 12-15-133 of the Code of Alabama 1975, to provide for the appointment of a foster parent to the county juvenile justice coordinating councils.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 2 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell and Zoghby:

H. 47. To amend Section 17-4-153 of the Code of Alabama 1975, relating to the mileage allowance of members of boards of registrars.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 47 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 442. To amend Sections 2-28-1, et seq.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 442 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell and Zoghby:

H. 46. To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for returning officers, inspectors, and clerks.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 46 - to the Committee on Finance and Taxation

MOTION TO RECESS LOST

At 6:15 P.M. Senator Little moved that the Senate take a recess until 8:15 P.M., which motion was lost.

BUDGET ISOLATION RESOLUTION

Senator Wilson requested and received permission to suspend the Rules in order to bring up the Bill, HB 609.

Senator Wilson, B.I.R., HB 609, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Wilson, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 609. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

was taken up.

The Standing Committee on Energy and Natural Resources reported the following substitute for the Bill, HB 609, to-wit:

SUBSTITUTE FOR HB 609

To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

On motion of Senator Wilson, said substitute was laid on the table.

Senator Wilson then offered the following substitute for the Bill, HB 609, to-wit:

SUBSTITUTE FOR HB 609

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-13-6, Code of Alabama 1975, is amended to read as follows:

"§40-13-6.

"In each fiscal year when the funds then on deposit in the special fund or funds created for retirement of the bonds equal the amount needed to pay all the principal and interest becoming payable on the bonds within the succeeding 12 months and the funds then on deposit in the reserve fund or funds created for the bonds equal the maximum principal and interest becoming due on the bonds in any one year, the severance tax proceeds remaining in the Alabama state docks bulk handling facility trust fund, shall be credited to the state general fund; provided however, that if at the end of any fiscal year of the state, beginning with the fiscal year ending September 30, 1987, the director of the Alabama state docks department shall have notified the director of finance in writing, at least five days prior to the close of the fiscal year, that the revenues to be derived by the Alabama state docks department from the operations of its coal handling facilities for the then current fiscal year are anticipated to be insufficient to pay the aggregate of (1) the expenses (exclusive of depreciation) incurred in operating and maintaining said the facilities during such fiscal year and (2) principal

and interest that came due during such fiscal year on those bonds of the Alabama state docks department for payment of which ~~said the~~ revenues have been pledged (which notification shall specify the amount of the expected deficiency), then the remaining severance tax proceeds shall remain in the Alabama state docks bulk handling facility trust fund and shall not be transferred to the state general fund. Following the filing of such notification, a report shall be filed by the director of the Alabama state docks department with the director of finance within 30 days after the close of such fiscal year, supported by such documentation as may be deemed appropriate by the director of finance and attesting to the amount of the actual deficiency, computed as described above, incurred in the operation of ~~said the~~ facilities during the immediately preceding fiscal year. Upon receipt of ~~said the~~ report and such other documentation from the ~~said~~ department as the director of finance may specify, the director of finance, if satisfied as to the accuracy of the amount of the actual deficiency as reflected in the report and accompanying documentation, shall authorize to be transferred, and to the extent herein provided there is hereby in such event appropriated, to the Alabama state docks department an amount equal to the lesser of (i) the actual amount of any deficiency computed as described herein or (ii) the balance contained in the Alabama state docks bulk handling facility trust fund as of the immediately preceding September 30. Any Beginning with the 1992-93 fiscal year, the first five hundred thousand dollars (\$500,000) of any moneys remaining in the Alabama state docks bulk handling facility trust fund after such transfer to the Alabama state docks department shall be ~~credited~~ transferred directly to the Alabama Mining Academy. The next two hundred thousand dollars (\$200,000) shall be transferred directly to the Tuscaloosa County Commission, and any remaining monies shall be credited to the state general fund.

"Of the above amount to the Alabama Mining Academy, a small portion of said sum shall be used to retrain Alabama coal miners, who have been terminated from their employment, for other occupational opportunities.

"The director of the Alabama state docks department shall file with the commissioner upon forms prescribed by him and at the time so designated by the commissioner a report stating the amount of coal shipped through the seaport facility, by whom it was shipped, the date of each shipment and such further information as the commissioner reasonably may require for the proper enforcement of the provisions of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Bedsole offered the following amendment to the substitute for the Bill, HB 609, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 609

Amend the substitute for HB 609, Section 1, Page 3, Line 25, by striking the following: lines 25 through 32.

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -26

Nays:

- 0

And said Bill, HB 609, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -26

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 256. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 118. To prohibit local governments from passing ordinances regulating pesticides, to provide for certain exceptions, and to provide the Alabama Pesticide Act preempts any other law or ordinance regulating pesticides.

Also:

S. 427. To authorize the state of Alabama and its agencies, boards, commissions and departments, and counties, municipalities, county boards of education, city boards of education and various other political subdivisions, instrumentalities and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts and similar agreements and arrangements relating to tangible personal property; to delineate certain mandatory and optional provisions of such leases, contracts, agreements and arrangements; to provide the conditions under which such lease contracts, agreements and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor or other comparable party under such leases, contracts, agreements and arrangements in the event of expiration, cancellation or termination of such leases, contracts, agreements or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that such leases, contracts, agreements or arrangements are general obligations of such governmental entity or are limited obligations of such governmental entity payable from a specified source and to secure such leases, contracts, agreements and arrangements with pledges by governmental entities of taxes levied by such governmental entity, payments in lieu of taxes paid or payable to such governmental entity, taxes apportioned and paid to such governmental entity, income from the investment of moneys lawfully

held by such governmental entity and revenues from revenue-producing properties; to declare that such leases, contracts, agreements and arrangements constitute the exercise by such governmental entities of their borrowing power and constitute "evidences of indebtedness" under Section 8-8-7 of the Code of Alabama 1975, as amended, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness or securities of specified governmental entities; to provide that such leases, contracts, agreements and arrangements are legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, and trustees; to provide that such act is declaratory of existing law; to repeal section 11-80-8 of the Code of Alabama 1975, as amended; and to provide an effective date of such act.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 739. Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the assessment of an Underground Storage Tank Trust Fund Charge; and to direct the Underground Storage Tank Trust Fund Charge to become the funding mechanism for the Alabama Underground Storage Tank Trust Fund; and to clarify the benefits available under the fund for third-party claims.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 739 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 63. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

Also:

By Reps. Penry and McMillan:

H. 424. To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

Also:

By Reps. Johnson, Beasley, Fuller, Newton (C), and Carothers:

H. 723. Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and services for persons caring for certain Alzheimer's disease patients, requiring certain legislative funding, and authorizing the levying of certain fees.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 63 - to the Committee on Judiciary/Criminal Justice and Public Safety

HB 424 - to the Committee on Agriculture, Conservation, and Forestry

HB 723 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (C):

H. 459. To provide further for length restrictions on vehicles, trucks, trailers, semi-trailers, or combination thereof, transporting laminated wood building materials, and amending Section 32-9-25 for that purpose.

Also:

By Rep. Venable:

H. 590. To amend Section 9-11-417, Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve, by providing for the issuance and sale of hunting and fishing licenses by

licensed commercial fowl hunting preserve operators, and to provide for distribution of issuance and license fees.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 459 - to the Committee on Governmental Affairs/State Administration

HB 590 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Collins:

H. 20. To amend Section 11-50-393 of the Code of Alabama 1975, relating to fees for members and the chair of boards of directors of gas districts.

Also:

By Rep. Turnham:

H. 133. To provide that any member of the employees' or teachers' retirement system, who, not more than one year prior to becoming a member of the system, was a member of the judicial retirement fund, may elect to transfer his or her creditable service and accumulated contributions from the judicial retirement fund to the employees' or teachers' retirement system.

Also:

By Reps. Mikell and Beasley:

H. 288. To amend Section 27-1-16, Code of Alabama 1975, relating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 20 - to the Committee on Commerce, Transportation, and Utilities

HB 133 - to the Committee on Finance and Taxation

HB 288 - to the Committee on Consumer Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 113. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 113 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight (J):

H. 658. Honoring the life and public service of former Repre-

sentative John L. Buskey by providing certain limited matching funds for those monies deposited into the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

Also:

By Rep. Parker (T):

H. 72. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 658 - to the Committee on Finance and Taxation

HB 72 - to the Committee on Energy and Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 845. Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty

insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 845 - to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rich:

H. 367. To amend Section 13A-7-23.1 of the Code of Alabama 1975, to further provide for the crime of the desecration of any tomb, gravestone, monument, or container or memorial of human remains; and to increase the penalty for those actions where a person invades or mutilates the human corpse or remains to a Class C felony.

Also:

By Reps. Knight (A), Mathis, and Gaines:

H. 572. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, to increase the creditable service allowable and authorize credit or either public education service or public service in other states.

Also:

By Reps. McMillan, Penry, Kvalheim, Gaston, Turner, and Harper:

H. 806. To further provide for the taking, killing, or harvesting

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of the tarpon (*Megalops Atlanticus*) from the waters of the state; to require the purchase of tags for each tarpon taken, killed, or harvested; to provide for the Marine Resources Division of the Department of Conservation and Natural Resources to regulate the sale of the tags; and to provide misdemeanor penalties for violations of this act.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

**HB 367 - to the Committee on Judiciary/Criminal Justice and
Public Safety**

HB 572 - to the Committee on Finance and Taxation

**HB 806 - to the Committee on Agriculture, Conservation, and
Forestry**

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 654. To amend Section 40-18-14, Code of Alabama 1975, relating to the definition of gross income for state income tax purposes, to exclude contributions made by a participating employee to an eligible state deferred compensation plan as defined in 26 U.S.C. § 457.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 654 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams, Richardson, and Hall:

H. 62. To provide for a certain civil immunity from liability arising out of the death or injury resulting from participating in equine-related activities; to provide exceptions; to provide for contractual and sign warnings; and to provide definitions of terms.

Also:

By Rep. Gullatt:

H. 414. To amend Sections 11-46-5, 11-46-22, 11-46-24, and 17-9-4 of the Code of Alabama 1975, to authorize all municipalities having a general municipal election or run-off election required by general or local act at a time different from the dates now or hereafter provided by Article 2, Chapter 46, Title 11 of the Code of Alabama 1975, to elect by ordinance to have the election at the same time as required by Article 2; to change the date on which the mayor gives notice of a municipal election; to provide that where electronic voting machines are used in municipal elections, a number of electors not to exceed 1,200 may be assigned to each voting machine; and to provide the time at which the municipal governing body shall appoint election officers.

Also:

By Rep. McKee:

H. 648. To amend Section 34-12-8, Code of Alabama 1975, relating to license renewals by the Board of Registration for Foresters, to set the cut-off date for renewals at September 30 of each year.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 62 - to the Committee on Judiciary/Civil

HB 414 - to the Committee on Constitution and Elections

HB 648 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby:

H. 408. To provide for the purchase of credit under the Teachers' Retirement System of Alabama by active and contributing members of the system for employment with a local mental health authority, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Also:

By Rep. Lindsey:

H. 552. Relating to the eradication of boll weevils generally; providing for the composition of the Board of Directors of the Cotton Growers' Association and the maximum assessment levy placed on cotton growers for the eradication of boll weevils and for this purpose amending Sections 2-19-130 and 2-19-132 of the Code of Alabama 1975.

Also:

By Rep. Penry:

H. 611. To further provide for the collection in certain cases of state and local sales and use tax by the tax collector or other revenue official of a county from the purchaser of a boat prior to registration by the judge of probate or other licensing official or a county or the Department of Conservation and Natural Resources; and to provide for the distribution of revenue.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 408 - to the Committee on Economic Affairs

HB 552 - to the Committee on Agriculture, Conservation, and Forestry

HB 611 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson, Mathis, Poole, Haynes, Carothers, Newton (C), and Willis:

H. 165. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

Also:

By Rep. Johnson:

H. 170. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

Also:

By Rep. Freeman:

H. 768. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

Also:

By Rep. Freeman:

H. 812. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds

from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 165, 170, and 812 - to the Committee on Small Business

HB 768 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (C):

H. 496. To amend Section 2-15-150 which contains definitions to be used for those statutes for the control of contagious and infectious diseases in animals so that diseases is redefined to mean any disease adversely affecting the livestock or animal industry and to define animals to also mean wild or exotic animals.

Also:

By Rep. Morrow:

H. 512. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 496 - to the Committee on Agriculture, Conservation, and Forestry

HB 512 - to the Committee on Governmental Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson:

H. 40. To amend Section 37-3-4, Code of Alabama 1975, by providing further for the exemption of motor carriers who transport property in open top dump vehicles.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 40 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, Johnson, and Mathis:

H. 346. To amend Section 25-4-10, Code of Alabama 1975, which defines the term "employment" for unemployment compensation purposes, to clarify the language exempting service in the employ of religious organizations.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 346 - to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P):

H. 32. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 32 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 770. To amend Section 11-98-2 of the Code of Alabama 1975, relating to the establishment of communication districts for emergency telephone service, to provide that communication districts shall be exempt from all taxation.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 770 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Parker (P):

H. 652. To indemnify members of the State Board of Education for personal liability by including such members under the general liability insurance coverage of the General Liability Trust Fund of the State of Alabama.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 652 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham:

H. 519. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing

assistance programs and to increase the amount of funds available under the plan.

Also:

By Rep. Layson:

H. 460. To amend Sections 2-8-281 and 2-8-282 of the Code of Alabama 1975, by allowing payments of assessments on catfish producers to be paid not later than the last day of each quarter of the year.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 519 - to the Committee on Banking and Insurance

HB 460 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Haynes:

H. 508. To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 508 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Kennedy:

H. 731. To reopen the Teachers' Retirement System of Alabama to allow active and contributing members of the system to purchase prior service credit for employment as an official court reporter with a circuit court in the state; provide for payment for the credit; to provide for a termination; to provide that certain active members of the Teachers' Retirement System may receive credit for certain prior service under specified terms and conditions; to provide that the employer for whom the service was rendered shall pay the cost for the prior service credit; and to provide for the calculation of the cost.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 731 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Poole:

H. 702. To provide for the use of a videotaped deposition of a victim or witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 702 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Rockhold, Zoghby, Kvalheim, and Gaston:

H. 122. To amend Section 40-10-127 of the Code of Alabama 1975, to allow additional county officers to issue the certificate of redemption for lands sold for taxes; and would remove the requirement that the county treasurer countersign the certificate of redemption for land sold for taxes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 122 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey:

H. 410. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, to delete the term so-

cially maladjusted as a categorical condition which establishes eligibility for special education placement in public schools.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 410 - to the Committee on Education

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Johnson, and Carothers:

H. 292. Amending Sections 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards, to provide for the amount, method of repayment, interest rate, and credit for performing certain services.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Curry, Clark (J), McDowell, Freeman, Hall, Sanderford, and Smith (R):

H. 54. To amend Section 22-11A-17, Code of Alabama 1975, relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 624. Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

S. 632. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

By Rep. Buskey (With Notice and Proof):

H. 737. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Barron, Escott-Russell, Corbett, Smith (B), Windom, deGraffenried, Owens, Mitchem, Dixon, Dial, Waggoner, Bedsole, Denton, Lipscomb, Hale, Parsons, and Little:

S. 622. To amend Section 25-5-50 of the Code of Alabama 1975, relating to the Workers' Compensation Law, to specify that a licensed real estate agent would not be considered an employee under certain circumstances for purposes of the law.

By Reps. Sanderson, Petelos, and Gaines:

H. 109. Relating further to issuing and renewing driver's per-

mits and licenses for motor vehicles; to prohibit the Department of Public Safety from refusing to issue, or renew, or revoke the permit or license for the operation of a motor vehicle based only on physical appearance, speculations or generalizations that the physical impairment would impede the individual's ability to operate the vehicle in a safe manner; and to provide for civil procedure for an aggrieved applicant, with an appeal to the circuit court.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 138 SB 231 SB 459

SB 177 SB 326

Delivered to the Governor, April 20, 1993, at 3 o'clock P.M.

SB 346

Delivered to the Governor, April 20, 1993, at 3:30 P.M.

SB 497 SB 256 SB 427

SB 118

Delivered to the Governor, April 20, 1993, at 6:40 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:30 P.M., on motion of Senator Corbett, the Senate adjourned until Thursday, April 22, 1993, at 10 o'clock A.M.

Yeas 16 Nays 11

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Mitchell, Parsons, and Sanders

-16

Nays:

Senators:

Amari, Bedsole, Bennett, Bolling, Dial, Dixon, Horn, Little, Owens, Waggoner, Wilson, and Windom

-11

TWENTY-FOURTH LEGISLATIVE DAY

THURSDAY, APRIL 22, 1993

Upon the vacancy created when Lieutenant Governor James E. Folsom, Jr., assumed the office of Governor, President Pro Tempore Ryan deGraffenried, Jr., convened the Senate under the provisions of Section 127, Amendment No. 57, of the Constitution of Alabama.

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Harold Franklin, Georgia Washington Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-29

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CRUM FOSHEE,
Deputy Chairperson.

COMMITTEE REPORT

On motion of Senator Foshee, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Barron, Dial, Dixon, Hale, Mitchell, and Wilson for today.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 382, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 382. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 202, H. 449, 1990 Regular Session, so as to increase the number of Deputy District Attorneys in the Bessemer Division of the circuit.

And said Bill, SB 382, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Floyd, Ghee, Hill, Horn, Langford, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -21

Nays:

- 0

FURTHER CONSIDERATION OF SB 255

The Senate proceeded to further consideration of the Bill:

S. 255. To appropriate from the General Fund of the State

Treasury the sum of \$1,000,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

having been postponed on the Twenty-Third Legislative Day, was taken up. The question was on the House amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Third Legislative Day.

On motion of Senator Smith (J), the Senate concurred in and adopted the House amendment to the Bill, SB 255.

Yeas 20 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Mitchem, Owens, Smith (B), Smith (J), and Windom -20

Nays:

Senators:

Little and Parsons

- 2

RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 104. COMMENDING DR. BURL T. PATTERSON OF MOBILE, ALABAMA.

WHEREAS, Dr. Burl T. Patterson, who is celebrating his 25th Anniversary with Manor Baptist Church in Mobile, was recently honored by the city when Sunday, March 21, 1993, was proclaimed Dr. Burl T. Patterson Day; and

WHEREAS, Dr. Patterson, who came to Mobile from the First Baptist Church in Beaumont, Mississippi, is a graduate of William Carey College and New Orleans Baptist Theological Seminary, and received his Master's and Doctor of Theology Degrees from Luther Rice Baptist Theological Seminary; and

WHEREAS, over the years of his dedicated ministry, Dr. Patterson, or "Dr. Pat" as he is fondly known, has served mission tours in Australia, Haiti, Idaho, Jamaica, Canada and Mexico; and

WHEREAS, further, he has served as a member of the Board of

Associates at William Carey College; as president of the Mobile County Baptist Conference; as district representative for Luther Rice Baptist Theological Seminary; and was listed in Who's Who in Religion in 1975; and

WHEREAS, Dr. Pat, devoted to the needs of others, also has served prison ministries in Mobile, is active in Christian counseling, and frequently stages a drug prevention program in the schools, featuring his horse "Shadow"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this occasion of his 25th Anniversary with Manor Baptist Church in Mobile, and in recognition of his outstanding contributions and service to the ministry, and to the City of Mobile, we hereby most highly commend Dr. Burl T. Patterson, for whom a copy of this resolution shall be provided.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 334. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

was taken up.

On motion of Senator Bolling, the Rules were suspended and he was granted permission to take up the Bill, HB 3, in place of the Bill, SB 334.

BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 3, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Hill, Little, Mitchem, Owens, Parsons, Smith (B), and Waggoner

-17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 3. To provide for certain crimes and offenses relating to

animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

was taken up.

Senator Corbett offered the following amendment to the Bill, HB 3, to-wit:

AMENDMENT TO HB 3

Amend House Bill No. 3 Page 4 Line 9, as follows:

after the word "be" delete the following "guilty of a Class C Felony."

and insert in lieu thereof the following:

"fined not more than fifty dollars (\$50.00)."

Which was adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Escott-Russell, Floyd, Foshee, Horn, Langford, Little, Mitchem, Owens, Smith (B), Waggoner, and Windom -17

Nay: Senator Ellis

- 1

And said Bill, HB 3, as thus amended, was read a third time at length and passed.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Escott-Russell, Floyd, Foshee, Horn, Langford, Little, Mitchem, Owens, Smith (B), Waggoner, and Windom -17

Nay: Senator Ellis

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 437. To provide further for certain sales tax exemptions, to amend Section 40-23-4, Code of Alabama 1975.

having been postponed on the Eleventh Legislative Day, was taken up.

On motion of Senator Horn, the Rules were suspended and he was granted permission to take up the Bill, HB 397, in place of the Bill, SB 437.

THE BILL:

H. 397. To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 397, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 467, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Foshee, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), Waggoner, and Windom -19

Nay: Senator Floyd

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 467. To authorize the Alabama Public School and College Authority to sell and issue two hundred ten million dollars (\$210,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited

obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

On motion of Senator Waggoner, the Rules were suspended and further consideration of the Bill, SB 467, was postponed subject to the call of the Chair.

THE BILL:

S. 465. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, SB 465, was indefinitely postponed.

THE BILL:

S. 469. To amend Section 40-13-32, Code of Alabama 1975, to provide further for distribution of certain proceeds from a coal and lignite severance tax.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 469, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Lipscomb, B.I.R., SB 573, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), and Windom-22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 573. Permitting local boards of education to allow or encourage, or both, the reading or posting of certain historical and public documents in public schools and at school events; prohibiting certain content-based censorship; and requiring local boards to be notified.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 1

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, and Smith (J) -17

Nay: Senator Figures

- 1

RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 105. CONGRATULATING THE HELEN KELLER PUBLIC LIBRARY OF TUSCUMBIA, ALABAMA, ON 100 YEARS OF CONTINUOUS SERVICE.

WHEREAS, in February 1891 a small group of Tuscumbia ladies met to organize the "Saturday Evening Club" for the purpose of social interaction and the pursuit of literary research; and

WHEREAS, in a meeting to discuss the future of their organization in November of 1892, the ladies renamed the club "The Helen Keller Library and Literary Association" and established a library to be named "The Helen Keller Public Library of Tuscumbia" in honor of Tuscumbia's most famous daughter; and

WHEREAS, in 1893, a room at Deshler Female Institute became the temporary home of the new library; and

WHEREAS, on October 13, 1893, former Governor Robert Burns Lindsay, assisted by Judge Fox Delony, secured a charter for The Helen Keller Library and Literary Association in accordance with the statutes of Alabama; and

WHEREAS, The Helen Keller Public Library was Alabama's first chartered library, and is the state's oldest library of continuous service; and

WHEREAS, in 1897, the "Old Carriage House," also known as the "Old Opera House," was purchased at public auction by the Association for use by the Helen Keller Public Library; the Helen Keller Public Library is now located in a beautiful building on Commons in Tuscumbia, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and its many educational and literary contributions over the past 100 years, we hereby most highly commend the Helen Keller Public Library of Tuscumbia, Alabama, and direct that a copy of this resolution be presented to the library for appropriate display and in public acclaim.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 408. To provide for the purchase of credit under the Teachers' Retirement System of Alabama by active and contributing members of the system for employment with a local mental health authority, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Higginbotham:

H. 519. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson:

H. 492. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 2000; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 2001; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 2000-2001 for this additional judgeship position.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Amari:

S. 589. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits so as to remove lockout from the disqualifications.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they severally read a second time and placed on the calendar, to-wit:

By Senators Wilson and Escott-Russell:

S. 648. To create the West Alabama Agricultural Council to

plan and develop programs of information and aid and assist farmers and agricultural related industries and the securing of financing in the region and to provide for the appointment of council members.

By Senator Wilson:

S. 649. To create the Warrior River Development Association to plan and develop all programs of information, commerce, and recreational activities designed to assist the economic growth of the region and to provide for the appointment of association members.

By Senators Wilson and Escott-Russell:

S. 659. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Bedsole, and Denton:

S. 241. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

By Rep. White:

H. 101. To amend Section 9-11-53 of the Code of Alabama 1975, relating to the annual freshwater fishing license; to further authorize any person to fish in a private pond without a license.

By Reps. Penry and McMillan:

H. 424. To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a non-

resident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

By Rep. Lindsey:

H. 442. To amend Sections 2-28-1, et seq.

By Rep. Layson:

H. 460. To amend Sections 2-8-281 and 2-8-282 of the Code of Alabama 1975, by allowing payments of assessments on catfish producers to be paid not later than the last day of each quarter of the year.

By Reps. Lindsey, Carter, and Ford:

H. 488. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

By Rep. Smith (C):

H. 496. To amend Section 2-15-150 which contains definitions to be used for those statutes for the control of contagious and infectious diseases in animals so that diseases is redefined to mean any disease adversely affecting the livestock or animal industry and to define animals to also mean wild or exotic animals.

By Rep. Lindsey:

H. 552. Relating to the eradication of boll weevils generally; providing for the composition of the Board of Directors of the Cotton Growers' Association and the maximum assessment levy placed on cotton growers for the eradication of boll weevils and for this purpose amending Sections 2-19-130 and 2-19-132 of the Code of Alabama 1975.

By Rep. McKee:

H. 648. To amend Section 34-12-8, Code of Alabama 1975, relating to license renewals by the Board of Registration for Foresters, to set the cut-off date for renewals at September 30 of each year.

By Reps. McMillan, Penry, Kvalheim, Gaston, Turner, and Harper:

H. 806. To further provide for the taking, killing, or harvesting of the tarpon (*Megalops Atlanticus*) from the waters of the state; to require the purchase of tags for each tarpon taken, killed, or harvested; to provide for the Marine Resources Division of the Department of Conservation and Natural Resources to regulate the sale of the tags; and to provide misdemeanor penalties for violations of this act.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 379. To provide requirements for the newspaper and newsprint publishing industry in the amount of recycled newsprint to be used in their daily operations; to provide for recycling of newsprint; to provide for the use of soybean based inks as an alternative to hazardous material based inks; and to provide for penalties for false reporting of recycled newsprint use.

By Rep. Hooper (With Substitute):

H. 113. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carter and Hammett:

H. 311. To provide further for the regulatory power of the Public Service Commission over tariffs, charges, schedules of rates, contracts, and reporting by house movers or other carriers of houses and other intact buildings; to amend Section 37-3-4 of the Code of Alabama 1975, to remove house movers or motor carriers of houses and other intact buildings from the requirement to file tariffs, showing all rates, fares, contracts, and schedules of charges, or the establishment or participation in any published rates, related to transporting a house or other intact building, for transportation with the Public Service Com-

mission; to require that motor carriers of houses and other intact buildings shall comply with the remaining provisions of Chapter 3 of Title 37 of the Code of Alabama 1975.

By Rep. Freeman:

H. 337. To provide that contractors performing public works contracts shall receive payment for any additional severance and sales and use taxes incurred as a result of increases in the rate of severance and sales and use taxes imposed during the performance of the contract.

By Rep. Haynes:

H. 508. To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

By Reps. McClain, Freeman, Starkey, Hammett, McDaniel, McDowell, and Hooper:

H. 675. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

By Rep. Freeman:

H. 768. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 639. Amending Section 28-3A-23, Code of Alabama 1975, relating to the regulation of alcoholic beverage licensees; permitting the

manufacture, distribution, and sale of certain beverages without a license; providing for the approval of the local governing authority; limiting the number of package store licenses that may be issued to an individual; specifying locations requiring a retail license; regulating the sale, transfer, storing, time of sale, and containers of alcoholic beverages; and authorizing certain sales by Class I social clubs.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Freeman (With Amendment):

H. 812. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ford:

H. 612. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

By Rep. Johnson:

H. 170. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

By Reps. Johnson, Mathis, Poole, Haynes, Carothers, Newton (C), and Willis:

H. 165. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Mikell and Beasley:

H. 288. To amend Section 27-1-16, Code of Alabama 1975, relating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (By Request) (With Notice and Proof) (With Substitute):

S. 640. Amending Section 10 of Act No. 30, H. 6, 1975 Regular Session (Acts 1975, p. 251), as last amended by Act No. 90-464 (Acts 1990, p. 660), to provide further for distribution of proceeds from certain sales and use taxes to the Health Care Authority of Cullman County.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bolling (With Notice and Proof):

S. 642. Relating to Fayette County; to alter the organization and composition of the county commission, provide for rotating the terms of

chair of the commission; to reduce the compensation of the commission; to establish a shop and unit road system for the operation of the county roads and bridges; to provide for the employment of a clerk/administrator; to provide for the employment of a county engineer; to provide for the employment of a county supervisor; and to require members of the county commission to inspect the roads and bridges in their districts.

By Senator Little:

S. 658. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

By Senator Sanders (With Notice and Proof):

S. 651. Relating to Wilcox County; to provide for certain forms of legalized gambling in Wilcox County; to provide for definitions; to establish a gaming commission; to regulate gaming in Wilcox County and to provide for compensation of the commission; to provide for an executive director and the duties and powers of the executive director; to provide for an enforcement division and an investigative division of the commission; to provide for transportation of gambling devices and regulation of the manufacturers of gambling devices by the commission; to provide procedures for issuing licenses, audits, inspections, and license fees; to provide for the exclusion of certain persons from gaming establishments; to create a special fund for bonds of county gaming licensees; to provide for remedies; to provide for taxation of license holders and the distribution of the taxes; to provide for work permits; to provide age requirements for patrons and employees; to provide for the legality of gaming debts; to provide for crimes and liabilities concerning gaming; to provide for judicial review; to provide for conduct of gaming by corporations, partnerships, holding companies, and other forms of business organizations; to provide for gaming on cruise vessels or vessels; to provide for exemption from federal laws prohibiting gaming devices; and to provide for a referendum.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 63. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoument of costs for accessing and using the

judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

By Rep. Rich:

H. 367. To amend Section 13A-7-23.1 of the Code of Alabama 1975, to further provide for the crime of the desecration of any tomb, gravestone, monument, or container or memorial of human remains; and to increase the penalty for those actions where a person invades or mutilates the human corpse or remains to a Class C felony.

By Reps. Fuller and Hawkins:

H. 322. Imposing additional fines on persons convicted of offenses involving driving under the influence and providing for administration and disposition of the proceeds from the additional fines.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee:

S. 656. To repeal the Deceptive Trade Practices Act, Sections 8-19-1 to 8-19-15, inclusive, Code of Alabama 1975; to define and prohibit unlawful advertising and trade practices; to authorize the Attorney General and the district attorneys to prosecute violators civilly or criminally, or both; to provide penalties and establish a statute of limitations; and to authorize the Attorney General to promulgate rules and procedures for enforcing the act.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 739. Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the assessment of an Underground Storage Tank Trust Fund Charge; and to direct the Underground Storage Tank Trust Fund Charge

to become the funding mechanism for the Alabama Underground Storage Tank Trust Fund; and to clarify the benefits available under the fund for third-party claims.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Gullatt, Rockhold, Kennedy, and McDowell:

HJR 402. ESTABLISHING A CHILD CARE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Child Care Commission composed of members who shall be culturally, economically, and geographically diverse and who shall be representative of the following: four persons appointed by the Governor shall be qualified electors of the state and representatives of the following statewide child day care advocacy associations, FOCAL, Alabama Association of Licensed Child Care, Alliance for Alabama Child Care, and Alabama Association for Young Children; nine persons shall be owners or operators, or both, of child day care facilities as follows: a representative of the Alabama Head Start Association, a representative of the Alabama Christian Education Association, two licensed family day care home providers, two licensed for-profit small business center based day care operators, and two licensed private nonprofit community based agencies, and one licensed multi-center operator, five of whom shall be appointed by the Speaker of the House of Representatives of Alabama and four of whom shall be appointed by the Lieutenant Governor of the State of Alabama; two persons, appointed by the Speaker Pro Tem of the House of Representatives, shall be parents of children who are enrolled in a religious exempt child day care program; two persons, appointed by the President Pro Tem of the Alabama Senate, shall be parents of children who are enrolled in a licensed child day care program; two representatives of child care management agencies selected by the directors of the agencies; one person appointed by the Commissioner of the Department of Human Resources; and one person selected by the Alabama Association of County Directors of Human Resources. Vacancies shall be filled by the appointing authority.

BE IT FURTHER RESOLVED, That members of the commission shall meet at least quarterly, and at other times the chair of the commission deems appropriate. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the course of their duties. The commission expenses shall not exceed

the sum of ten thousand dollars (\$10,000) annually. The expenses, including all expenses for publishing the annual report, shall be paid from the quality enhancement federal funds allocated to the Department of Human Resources. A chair of the commission shall be elected by the membership at the first meeting of the commission. Members shall be appointed for two-year terms and may be eligible to succeed themselves for one additional term. Members shall be appointed to the commission within 30 days of the effective date of this act. Any member who fails to attend three consecutive meetings or at least one half of all commission meetings held during the calendar year shall be deemed to have resigned. Clerical and administrative assistance to the commission shall be provided by the Department of Human Resources.

RESOLVED FURTHER, That the commission shall have the following responsibilities:

(a) Develop a proposal for a statewide child day care plan for development and planning for the industry for professional growth and to keep pace with the growing need for affordable and available child care for working families in the state.

(b) Develop a proposal to identify projected needs of the subsidized child care program and to identify all federal and state revenue sources available for child day care in the State of Alabama.

(c) Review and recommend improvements and strengthening of the Child Care Act of 1971 and Alabama's Minimum Standards for Child Care as prescribed by the Department of Human Resources, and be represented on any committee assigned the responsibility of revising the act or minimum standards.

(d) Develop and assimilate information on employer, company, and corporate support for child day care which includes options, costs, and benefits of that support.

(e) Review and recommend financial incentives to encourage employer, company, and corporate support of child day care.

(f) Review the availability of public or private no or low interest loans for capital investment in child day care.

(g) Review the feasibility and affordability of liability insurance for child day care providers.

(h) Recommend to the Department of Human Resources the procedures to be used in notifying licensees, approved operators, and registrants regarding regulatory changes.

(i) Appoint a resource person as liaison with the Department of

Public Health, the Department of Education, the State Fire Marshal's Office, and other departments and agencies of government to receive suggestions and information, recommend solutions to avoid duplicate or conflicting requirements, or both, upon operators subject to regulations by the State of Alabama, achieve collaboration among these agencies, and help ensure that Federal and State funds are being used in the most efficient manner to help protect the health and safety of children being cared for in child day care programs.

(j) Recommend methods for improving the quality of nonresidential child care and increasing the safety of children in child day care programs.

RESOLVED FURTHER, That the commission may publicize and hold public hearings and review suggestions from parents of children utilizing child care services, providers of the services, and other interested parties, including representatives of nongovernmental entities, child development specialists, and professionals in child care related fields. The commission shall make an annual written report to the Legislative Council, the Governor, and the Department of Human Resources of its findings and recommendations in regard to issues affecting licensed child day care. The report shall be made available to the public upon the payment of reasonable costs for providing a copy thereof.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 402, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 549, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Waggoner, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 549. To create the Alabama Limited Liability Company Act;

to allow the formation of domestic limited liability companies; to provide for definitions, formation procedures, professional services, and relationships of members and managers of companies to other members and third parties; to provide for contributions and distributions of a company; to provide for transfer of membership interests; to provide for registration of foreign limited liability companies; to provide for the merger and consolidation of domestic companies; to provide filing and certifying fees; and to provide a delayed effective date for the act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Corbett, deGraffenried, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -19

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 201, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Ellis, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), and Waggoner -18

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 201. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 201, to-wit:

AMENDMENT TO SB 201

On page 2, line 17, after the word "hospital" add the following:

located in Alabama

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Escott-Russell, Figures, Floyd, Foshee, Langford, Lindsey, Lipscomb, Mitchem, Owens, Sanders, Waggoner, and Windom -18

Nays: - 0

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 201, as amended, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 422, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, and Waggoner -17

Nay: Senator Corbett - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 422. To revise the present bail system, by establishing four kinds of bail, judicial public bail, cash bail, property bail, and professional surety bail, and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a more lenient and secure form of property bail; to establish laws that guarantee speedy release on bail; to grant to the Alabama Supreme Court the authority to promulgate and adopt rules to regulate the qualification of Professional Bail and Professional Surety Companies engaged in the bail business; and to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bail.

was taken up.

Senator Floyd offered the following amendment to the Bill, SB 422, to-wit:

AMENDMENT TO SB 422

Amend Senate Bill No. 422 Page 3 Line 31, as follows:

By striking on Page 3, Line 31 the words "and no" and on Page

4, Line 1 "bail shall be set in an amount less than three hundred dollars (\$300.00) for any one charge.

Also on Page 4, Line 31, after the sentence ending "Criminal Procedure." add the following:

The judicial officer may also fix the amount of bail on the indictment.

Also on Page 29, Line 31 by deleting the following:

"and the release may not be delegated"

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchem, Sanders, Waggoner, and Windom -19

Nays:

- 0

And said Bill, SB 422, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Sanders, Waggoner, and Windom -19

Nay: Senator Parsons

- 1

RECESS

At 11:45 A.M., on motion of Senator Corbett, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 125, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Sanders, Waggoner, and Windom -19

Nay: Senator Parsons

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 125. To allow employees in district attorney offices to purchase credit for service with a district attorney and to provide for an effective date.

was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Figures, Foshee, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 272, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Foshee, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), and Waggoner -18

Nays:

- 0

FURTHER CONSIDERATION OF SB 272

The Senate proceeded to further consideration of the Bill:

S. 272. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to

provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

having been postponed on the Nineteenth Legislative Day, was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 272, to-wit:

SUBSTITUTE FOR SB 272

A BILL TO BE ENTITLED AN ACT

To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The governing bodies of the Alabama Sports Hall of Fame Board, and the Birmingham Football Foundation Board, nonprofit corporations, may, by resolution legally adopted to conform to the rules prescribed by the Board of Control of the Teachers' Retirement System, elect to have its executive officers and full-time employees, from whatever source and in whatever manner paid, become eligible to participate in the Teachers' Retirement System of Alabama, subject to all rules, regulations, and conditions thereof.

Section 2. The governing bodies of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, having made an election through a resolution as provided in Section 1, its employees and executive officers may participate in and be entitled to all benefits of the Teachers' Retirement System of Alabama. Where contributions are made from salaries paid by the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, shall pay the employer cost calculated as a percentage of the salaries of those employees to be contributed as employer contri-

butions in accordance with Section 16-25-21 of the Code of Alabama 1975. The amount shall be paid monthly and at the same time as the members' contributions are made to the Teachers' Retirement System.

Section 3. The governing bodies of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, may provide in its resolution to the Board of Control of the Teachers' Retirement System that all service rendered by an eligible employee or executive officer to the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, previous to the effective date of its election to come under the Teachers' Retirement System, shall be creditable service to the employee or executive officer and that the provision shall apply only to those employees and officers who were in the active service of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board on the effective date of its election to be covered under the Teachers' Retirement System. The resolution shall also state that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board shall assume and pay, as required, all costs necessary to fund the crediting of the previous service. The costs shall be determined by the actuary employed by the Board of Control of the Teachers' Retirement System. All benefits that accrue and are payable to a beneficiary shall be limited to, and shall not exceed, the amount paid in by the beneficiary and the employer plus his or her portion of the interest earned and the enhancement of his or her monies by investing them, less cost of administration, at no cost to the State of Alabama.

Section 4. (a) Notwithstanding the provisions of Section 36-29-1 of the Code of Alabama 1975, an employee or executive officer of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and their dependents shall be eligible for coverage under the State Employees' Health Insurance Plan and upon the expiration of their employment may continue the coverage for a maximum of 36 months.

(b) Preexisting conditions shall not be covered until the insured has been covered under the plan for a period of 12 months. An employee enrolling within 30 days of the effective date of this act or within 30 days of the beginning of a calendar year thereafter shall not be subject to this limitation of benefits. A preexisting condition is a condition for which the insured or their covered dependent received medical treatment, advice, or consultation, or received a prescribed medication within 12 months of the effective date of the insured's coverage under the plan.

(c) The premiums for the insurance coverage for an employee, executive officer, and their dependents shall be paid pursuant to Section 36-29-7 of the Code of Alabama 1975. For those purposes, the Alabama

Sports Hall of Fame and the Birmingham Football Foundation shall be the employer.

(d) The State Employees' Insurance Board shall promulgate rules and regulations required for the effective administration of the provisions of this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Foshee, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), and Waggoner -18

Nays: - 0

And said Bill, SB 272, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Foshee, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Waggoner -19

Nay: Senator Floyd - 1

INTRODUCTION OF BILLS

Senator Campbell requested and received permission to suspend the Rules in order to allow the following bills to be introduced, and they were severally read one time, and referred to appropriate standing committees, as follows:

By Senator Corbett (With Notice and Proof):

S. 660. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

660, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 661. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1993 that are subject to proration shall be reduced by the Department of Finance to the level that equals 3.2% proration for the fiscal year 1992-93 and to provide that any revenue deposited into the State General Fund in excess of the amount required to cover that level of appropriations from the fund shall be carried over to the fiscal year beginning October 1, 1993.

Select Committee on
Fiscal Responsibility

By Senator Sanders:

S. 662. To require the various insurance organizations providing protection, indemnity, or health maintenance organizations to include coverage for the insured's personal physician or physician of choice in policies, agreements, or contracts issued.

Committee on Banking
and Insurance

By Senator Bolling:

S. 663. To amend Section 41-23-24, Code of Alabama 1975, to provide further for the timing of taking enterprise zone tax credits and for the use of certain enterprise zone income tax credits by certain business entities; to repeal Section 41-23-24(b) and Section 41-23-31, Code of Alabama 1975, and to amend Section 41-23-29(6), Code of Alabama 1975, in order to clarify rule-making authority under the act; and to amend Section 41-23-26, Code of Alabama 1975, and to repeal Section 41-23-30(b)(2) in order to clarify the need for endorsement by an appropriate local governing authority as a prerequisite to applying for any benefits under the act.

Committee on Consumer Affairs

By Senator Sanders:

S. 664. To make a finding that speedy criminal trials are the best deterrent to criminal activities. To require that criminal trials be held within 90 days of indictment of the defendant, that the trial judge may continue the trial past the 90-day period for issues of substantial justice, that the defendant shall be provided with all exculpatory material within 30 days after indictment, that failure to try a defendant within 90 days or provide exculpatory material shall be cause for dismissal, and that this act shall apply to defendants indicted after January 1, 1994.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Campbell (With Notice and Proof):

S. 665. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 665, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell:

S. 666. To exempt the Greater Birmingham Habitat for Humanity, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Bennett:

S. 667. To amend Sections 16-3-3, 16-16-10, 16-17-1, 16-18-1, 16-25A-8, 16-27-2, 16-27-5, 16-33-4, 16-33-7, 16-60-88, 16-60-89, 16-60-90, 16-60-110, 16-60-111.1, 16-60-111.2, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8, 16-60-113, 16-60-114, 16-60-132, 16-60-152, 16-60-170, 16-60-171, 16-60-172, 16-60-173, 16-60-190, 16-60-191, 16-60-193, 16-60-194, 16-60-195, 16-60-197, 16-60-198, 25-9-11, 31-6-5, 31-6-6, 31-6-12, 31-6-13, 31-6-15, 31-6-16, 32-14-5, 34-7-1, 34-7-4, 34-7-16, 34-7-17, 34-7-24, 36-16-11, 41-9-436, 41-9-784, 41-16-50, 41-16-51, 41-16-60, and 41-21-1, Code of Alabama 1975; replacing the term trade school with the term technical college and community college; defining certain terms; providing for the appointment and composition of the Advisory Boards of Southern Union College and Snead Junior College; providing for the transfer of certain property to the Frank Lee Youth Center; providing for the location of certain technical colleges; expanding the composition and providing for the appointment of the technical colleges advisory commission; and providing for a prospective effective date.

Committee on Education

By Senators Escott-Russell and Horn:

S. 668. To amend Section 36-27-6, Code of Alabama 1975, as amended by Act No. 191, S. 346, 1993 Regular Session, to provide further for the transfer of funds from local pension funds to the state system when certain employees of state or county agencies and departments become members of the Employees' Retirement System of Alabama.

Committee on Economic Affairs

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., SB 562, adopted.

Yeas 17 Nays 2

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), and Windom -17

Nays:

Senators:

Corbett and Horn

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 562. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Sports Festival for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 4

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Figures, Floyd, Foshee, Ghee, Lindsey, Lipscomb, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -17

Nays:

Senators:

Corbett, Horn, Langford, and Waggoner

- 4

THE BILL:

S. 527. To amend Section 22-21-267, Code of Alabama 1975, relating to the issuance of certificates of need by the State Health Planning and Development Agency regarding new institutional health services; to prohibit the issuance of those certificates, with certain exceptions, until July 1, 1996.

was taken up.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, SB 527, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 555, adopted.

Yeas 18 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Sanders, Smith (B), and Windom -18

Nays:

Senators:

Corbett and Parsons - 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 555. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

was taken up.

On motion of Senator Lindsey, the Rules were suspended and further consideration of the Bill, SB 555, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 408, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsoie, Bolling, Campbell, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Owens, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 408. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1994.

was taken up.

On motion of Senator Campbell, the Rules were suspended and further consideration of the Bill, SB 408, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 524, adopted.

Yeas 18 Nays 3

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Owens, Parsons, Sanders, Smith (B), and Windom -18

Nays:

Senators:

Bailey, Foshee, and Little

- 3

BILLS ON THIRD READING RESUMED

THE BILL:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

was taken up.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 272. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

CRUM FOSHEE,
Deputy Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 501. Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

H. 497. Relating to Jackson County; providing for an additional expense allowance and salary for the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 497, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holladay (With Notice and Proof):

H. 822. To amend Section 3 and 4 of Act No. 92-248, H. 552, 1992 Regular Session (Acts 1992, Act No. 92-248, p.602), to provide that candidates for the Board of Education for the City of Pell City, Alabama, shall have earned a high school diploma or its equivalent and that the initial election of board members be staggered.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 822, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holladay (With Notice and Proof):

H. 823. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Argo in St. Clair County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 823, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 881. Relating to Clay County; to provide that the county commission may establish and adopt voting centers by resolution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 881, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

H. 889. Relating to Pickens County; abolishing the office of constable.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 889, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 497, 822, 823, 881, and 889 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan and Cagle (With Notice and Proof):

H. 861. Relating to Walker County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the

Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work release programs in Walker County; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Hogan and Cagle (With Notice and Proof):

H. 862. Relating to the Fourteenth Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Fourteenth Judicial Circuit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Powell (With Notice and Proof):

H. 869. Relating to Autauga County; abolishing the office of constable; and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Cagle and Hogan (With Notice and Proof):

H. 873. Relating to the City of Carbon Hill in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges

of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Carbon Hill Police Officers covered by the Minimum Standards Act; and to provide for implementation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Poole, Parker (T), Layson, Melton, and Cagle (With Notice and Proof):

H. 878. Relating to Tuscaloosa County; to provide the procedure for members of the Tuscaloosa County Board of Registrars to be covered under the Tuscaloosa County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Tuscaloosa County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 861, 862, 869, 873, and 878 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDaniel (With Notice and Proof):

H. 860. Relating to the DeKalb County Commission and pow-

ers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Burke (With Notice and Proof):

H. 918. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 860 and 918 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J) (With Notice and Proof):

H. 902. Relating to Barbour County; authorizing the county

commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Cullins (With Notice and Proof):

H. 905. Relating to Tallapoosa County; providing for the operation and management of an inmate commissary at the Tallapoosa County detention facility, retroactive to April 7, 1992.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 905, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 912. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas west of and contiguous to existing corporate limits to be included within the Town.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 902, 905, and 912 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller (With Notice and Proof):

H. 852. Relating to Chambers County; providing further for the compensation of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 856. Relating to Chambers County; providing for the appointment of the county superintendent of education; repealing Act No. 71, S. 96, 1935 Regular Session, which provided for the election of the county superintendent; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 856, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Drake (With Notice and Proof):

H. 871. Relating to Morgan County; providing that all existing expense allowances for a county commissioner shall be incorporated into his or her salary beginning with the next term of office of the commissioner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 871, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 899. Relating to Coosa County; providing that the judge of probate shall maintain a general register for certain instruments filed in the office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 899, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 852, 856, 871, and 899 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Crow (With Notice and Proof):

H. 876. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session, which provides for a civil service system for the city, to provide further for compensation of the board members and the chair of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

REGULAR SESSION
24th Day

1315

ATTACHED TO THE BILL, HB 876, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Bryant, Cosby, and Thomas (With Notice and Proof):

H. 882. Relating to Dallas County; providing for certain additional issuance fees on motor vehicle license tags and plates and distributing the proceeds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 882, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Williams (With Notice and Proof):

H. 886. Relating to the City of Daleville in Dale County; providing for the manner of electing the members of the city council; removing the designation of place number for a council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as provided, the continuation of all other laws, resolutions, or ordinances governing the operation of the city council and its members.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 886, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 876, 882, and 886 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cagle and Hogan (With Notice and Proof):

H. 875. Relating to Walker County; providing that Mardi Gras shall be observed as a holiday and providing for a delayed effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 875 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Anderson:

H. 893. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Decatur City Board of Education.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 893 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Melton (With Notice and Proof):

H. 859. Relating to Tuscaloosa County; to provide for the levy, collection, and distribution of an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in the county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Poole, Parker (T), Layson, and Cagle (With Notice and Proof):

H. 877. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 877, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing
Message from the House, were severally read one time and referred to
appropriate Standing Committee, as follows:

HB's 859 and 877 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and
ordered same sent forthwith to the Senate without engrossment:

By Reps. Walker, Mikell, and Hooper:

H. 416. To propose a constitutional amendment relating to the
volunteer fire departments and emergency services in Montgomery
County; to provide for the levy and collection of additional special ad
valorem taxes for the fire protection and emergency services and to
provide for the distribution of the fee, pursuant to Amendment 425 of
the Constitution of 1901.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing
Message from the House, was read one time and referred to appropriate
Standing Committee, as follows:

HB 416 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the
Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle and Morton (With Notice and Proof):

H. 585. Relating to Jefferson County; levying an additional 3% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau, the Birmingham-Jefferson Civic Center Authority, and the City of Bessemer Civic Center, for the promotion of Birmingham and Jefferson County as a convention, sports event and visitors' destination; providing that the Director of Revenue shall collect such tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 585, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Biddle and Payne (With Notice and Proof):

H. 793. Relating to the municipalities in Jefferson County; providing that a municipal corporation in Jefferson County may establish, purchase, construct, maintain, and operate a television cable system and furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; providing the powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with cable television systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the holders; and exempting municipal corporations transacting cable television business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 793, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rogers (J), Rogers (F), Curry, Sanderson, McClain, Petelos, and Gaines (With Notice and Proof):

H. 804. To authorize the Jefferson County Pension Board to offer optional membership to certain employees who are not regular full-time employees or whose jobs do not call for traditional work schedules and to establish an effective date for payment of refunds and interest thereon and to establish a period of time in which membership may be resumed without loss of continuity following a loss of membership eligibility.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. McKee and Hooper (With Notice and Proof):

H. 814. Relating to Montgomery County; abolishing the office of constable; and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 814, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 585, 793, and 804 - to the Committee on Local Legislation
No. 2

HB 814 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Knight (A) and Hill:

H. 855. To propose an amendment to the Constitution of Ala-

bama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 855 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Mathis, and Beasley (With Notice and Proof):

H. 879. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 879 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P) (With Notice and Proof):

H. 813. To authorize the Morgan County Commission and any municipality located in Morgan County to contract for the administration and enforcement by the Morgan County Commission of any tax or license ordinance enacted by such municipality and the collection of taxes and license fees due thereunder; to provide for compensation for the Morgan County Commission in providing said services; to provide powers and authorities to the Morgan County Commission in administering and enforcing said tax and license ordinances; to provide for severability; and to provide an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 813, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 820. Relating to Pike County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Anderson (With Notice and Proof):

H. 834. Relating to Morgan County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Anderson (With Notice and Proof):

H. 835. Relating to Morgan County; providing for an additional expense allowance and salary for the coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 835, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 813, 820, 834, and 835 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Spratt (With Notice and Proof):

H. 152. Relating to Class 1 municipalities; providing for the election of the city board of education from nine single-member districts.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 152, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. McDowell (With Notice and Proof):

H. 687. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hawkins (With Notice and Proof):

H. 697. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 697, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Perdue (With Notice and Proof):

H. 747. Relating to Jefferson County; to further amend Section 18 of Act No. 248, H. 580, 1945 Regular Session, as amended, relating to creating and establishing a countywide civil service system, to provide for additional names to be certified for vacancies in the classified service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Gaines, Petelos, Curry, and Sanderson (With Notice and Proof):

H. 785. To amend Act No. 1272, H. 620 of the 1973 Regular

Session (Acts 1973, p. 2124), as amended, relating to the City of Birmingham Retirement and Relief System; providing for the cost-of-living retirement benefits for retired employees, and their designated survivors, of the Jefferson County Board of Health; and providing for benefits to those persons receiving compensation from the system at the date of the passage of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 785, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 152, 687, 697, 747, and 785 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Beasley and Carothers (With Notice and Proof):

H. 781. Relating to Houston County; providing for the county commission to reimburse the office of license commissioner, judge of probate, or revenue commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 781, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Beasley (With Notice and Proof):

H. 828. Relating to Henry County; providing for additional court costs in all criminal and civil cases other than small claims court, with the proceeds to be placed in a fund to be used to build a new county jail.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 828, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 867. Relating to Bibb County; providing for an additional special transaction fee on certain property when it is assessed for ad valorem taxes and providing for disposition of funds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 867, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 868. Relating to Bibb County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 868, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Cullins (With Notice and Proof):

H. 870. Relating to the Sheriff of Tallapoosa County; providing that the sheriff shall be responsible for the training and supervision of all employees of the office of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 870, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 781, 828, 867, 868, and 870 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cosby, Bryant, and Thomas (With Notice and Proof):

H. 894. To amend Act No. 88-387, H. 778, 1988 Regular Session, (Acts 1988, p. 576), relating to Dallas County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee; and to repeal Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), relating to Dallas County, and providing the fee for the issuance of a pistol permit by the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 895. Relating to Coosa County; to repeal Act No. 946, H. 1752, 1975 Regular Session, relating to the supernumerary status of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 895, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 896. Relating to Coosa County; to repeal Act No. 285, H. 249, 1965 Regular Session, as amended, relating to the reimbursement of certain expenses of the county solicitor.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 896, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 897. Relating to Coosa County; to repeal Act No. 830, H. 1091, 1969 Regular Session, relating to the compensation of the county solicitor.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 894, 895, 896, and 897 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Hamilton:

H. 926. Relating to Limestone County; to propose a local constitutional amendment authorizing the Legislature to provide by local law for the creation and operation of a public authority for child day care in the City of Athens and Limestone County.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 926 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Drake and Bowling (With Notice and Proof):

H. 848. Relating to Cullman County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act and providing for a referendum on this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 848, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing
Message from the House, was read one time and referred to appropriate
Standing Committee, as follows:

HB 848 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Venable (With Notice and Proof):

H. 898. Relating to Coosa County; providing that beer or ale
may be sold in containers not exceeding 32 fluid ounces in size.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 898, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing
Message from the House, was read one time and referred to appropriate
Standing Committee, as follows:

HB 898 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Holmes (With Notice and Proof):

H. 844. Relating to Montgomery County; pertaining to the Retirement System for Employees' of Montgomery County, to amend Section 4 of Act No. 356 of the Legislature of Alabama of 1973 to provide for employees with prior employment with the State of Alabama or subdivision thereof to purchase credit in the Retirement System for Employees' of Montgomery County; and to allow those county employees who, but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature, would have contributed to the Retirement System for Employees' of Montgomery County to pay the amount not deducted plus interest and thereby receive credit for membership in the Retirement System for Employees' of Montgomery County for the period of time when such monies were not contributed.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 844 - to the Committee on Local Legislation No. 1

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 422. To revise the present bail system, by establishing four

kinds of bail, judicial public bail, cash bail, property bail, and professional surety bail, and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a more lenient and secure form of property bail; to establish laws that guarantee speedy release on bail; to grant to the Alabama Supreme Court the authority to promulgate and adopt rules to regulate the qualification of Professional Bail and Professional Surety Companies engaged in the bail business; and to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bail.

CRUM FOSHEE,
Deputy Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McClain (With Notice and Proof):

H. 827. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 827 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Perdue:

H. 637. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 637 - to the Committee on Local Legislation No. 2

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Harper, Clark (J), Turnham, Fuller, Parker (P), Starkey, Dolbare, McDaniel, Penry, McClain, Hooper, Smith (C), Rogers (F), Harvey, Gullatt, Rockhold, Spratt, Richardson, Powell, Knight (J), Flowers, Carter, Hammett, Kvalheim, Gaston, Drake, Butler, Haynes, Zoghby, Clark (W), Bryant, Sanderford, McDowell, Barnes, Hogan, Beasley, and Millican:

H. 837. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 837 - to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis:

H. 715. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes when all the requirements of Amendment 425 to the Constitution of 1901, are fulfilled.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 715 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Black (M) and Campbell:

H. 193. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to

provide for bonding requirements of a personal representative or special administrator; to provide for compensation of personal representatives; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-680, 43-2-681 and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 193 - to the Committee on Judiciary/Civil

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 925. Amending Section 22-11A-38, Code of Alabama 1975, specifying circumstances in which the State Health Officer or the designee of the officer would be required to disclose information regarding HIV infected persons for certain criminal proceedings.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 925 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Holladay:

H. 17. To provide for the validation of certain municipal an-

nexations by any municipality prior to September 1, 1992; for this purpose to amend Section 11-42-5 of the Code of Alabama 1975, providing for the validation of certain municipal annexations made pursuant to legal procedures for Class 5 municipalities.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 17 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Letson and Morrow:

H. 338. To amend Section 2-27-11 which requires persons who purchase and use restricted-use pesticides to be permitted so that a fee for the issuance and reissuance of a permit shall be from \$15 up to \$30 and that the exact amount shall be determined by rules adopted by the Board of Agriculture and Industries and that the permit fee prior to the adoption of said rules shall be \$15.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 338 - to the Committee on Agriculture, Conservation, and Forestry

FURTHER CONSIDERATION OF SB 524

The Senate proceeded to further consideration of the Bill, SB 524.

REGULAR SESSION
24th Day

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ADJOURNMENT

At 5 o'clock P.M., on motion of Senator Foshee, pending further consideration of the Bill, SB 524, the Senate adjourned until Tuesday, April 27, 1993, at 11 o'clock A.M.

TWENTY-FIFTH LEGISLATIVE DAY

TUESDAY, APRIL 27, 1993

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Barrett Gilbreath, Harlon Elementary School, Florence, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Campbell and Smith (B) for today.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,750,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries, Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication and to the Pine Beetle Inspection Program; to provide that the appropriation shall be supplemental.

Also:

S. 501. Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 29, 1993, at 9 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee (With Notice and Proof):

S. 669. Relating to Covington County; amending Act No. 86-703, S. 17, 1986 1st Special Session, as amended, which authorizes the county commission to levy a sales tax, to alter the distribution of the proceeds from the tax.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 669, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Foshee:

S. 670. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when the service area includes a resort area and the service area is incorporated or annexed into a municipality.

Committee on Commerce,
Transportation, and Utilities

On motion of Senator Foshee, Rule 11 was suspended.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 404. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That when the two

houses adjourn today, Thursday, April 22, 1993, they adjourn to meet again on Tuesday, April 27, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 404, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senators Hale and Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 106. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

WHEREAS, in May 1991 Valentina Golovkina and her ten-year-old daughter, Nastya, arrived in Alabama from the former Soviet Union via Project Little Lamb, a Cullman-based missionary and support group, for medical treatment of Nastya who developed acute lymphocytic leukemia when she was five, after the Chernobyl nuclear plant disaster; and

WHEREAS, in May 1992 the doctors determined that Nastya needed a bone-marrow transplant and her father Arkadi Golovkina, and her sister Olga left their home to join Nastya and her mother in Cullman; and

WHEREAS, during the following year a fund-raising campaign was conducted so that Nastya could have the bone-marrow transplant, but she never received the transplant for a number of reasons, including the difficulty of finding a donor; and

WHEREAS, twelve-year-old Nastya's seven-year battle with leukemia ended April 6, 1993 at Children's Hospital, Birmingham, Alabama, with her parents Arkadi and Valentina Golovkina, and her sister Olga by her side, and she was laid to rest in Cullman City Cemetery, in a city where she was declared an honorary citizen; and

WHEREAS, the Golovkina family came to the United States under a medical visa and have resided in Cullman since their arrival, where they have received overwhelming support from the citizens of Cullman and this state and where they have come to appreciate and enjoy the freedom and opportunities of a democracy; and

WHEREAS, the Golovkinas gave up everything, including their homes and professions, to be with their daughter, Nastya, and should they be required to return to their homeland, they will face destitution.

WHEREAS, each member of the Golovkina family is trained and experienced in professions that would be compatible and beneficial to the economy of this state and jobs have been made available to each of them in Alabama; and

WHEREAS, the Golovkina family with the support and assistance of the citizens of Cullman and this state are making every effort to remain in the United States and acquire citizenship in this great country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully, but strongly urge all members of the Alabama Delegation to the United States Congress to assist in and support the efforts of the Golovkina family to remain in the United States and become citizens.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 107. DESIGNATING THE MAIN COURTROOM IN THE CLAY COUNTY COURTHOUSE AS THE "JUSTICE HUGO L. BLACK COURTROOM."

WHEREAS, Justice Hugo Black was born on February 27, 1886, in Clay County, Alabama, and began his illustrious career practicing law in Clay County in 1906; and

WHEREAS, he served Alabama in the United States Senate from 1926 until 1937 when he was appointed by President Roosevelt to be an Associate Justice on the Supreme Court of the United States; and

WHEREAS, Justice Black served on the United States Supreme Court from 1937 until 1971, where he became known for his vigorous defense of the freedoms of American citizens guaranteed by the Bill of Rights of the Constitution of the United States; and

WHEREAS, Justice Black loved his native Clay County and credited his own judicial, legal, and political successes and his deep respect

for the Constitution to the values instilled in him at an early age by his fellow Clay Countians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the main Courtroom on the second floor of the Clay County Courthouse be designated the "Justice Hugo L. Black Courtroom," and that a copy of this resolution be placed on display therein.

BE IT FURTHER RESOLVED, That the proper authorities be apprised by copy of this resolution of this honorary designation of the Legislature of Alabama.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clay:

HJR 393. COMMENDING MICHA CORY CALDWELL OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Rep. Clay:

HJR 394. COMMENDING MANUEL JOSEPH OLIVEIRA OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Rep. Clay:

HJR 395. COMMENDING DARRYL KEITH ANTOINE OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the

Resolution, HJR 393, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 394 and 395, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rockhold:

HJR 357. COMMENDING LIEUTENANT CHARLES B. PAQUET FOR DISTINGUISHED SERVICE TO THE COUNTY OF MOBILE.

Also:

By Rep. Hill:

HJR 360. COMMENDING RADIO STATION WDJC ON THE OCCASION OF ITS 25TH ANNIVERSARY OF SERVICE TO THE CITIZENS OF NORTH CENTRAL ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 357 and 360, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 358. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 15, 1993, they adjourn to meet again on Tuesday, April 20, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 358, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Black (L) and Turner:

HJR 390. COMMENDING THE REVEREND CHARLES BURNETTE CRADDOCK.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 390, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Willis and Crow:

HJR 367. COMMENDING HUGH R. SMITHERMAN, SR., FOR HIS LEADERSHIP AND SERVICE TO CIVIL DEFENSE IN CALHOUN COUNTY.

Also:

By Rep. Parker (T):

HJR 368. COMMENDING CIRCUIT JUDGE JOHN M. KARRH ON HIS RETIREMENT.

Also:

By Rep. Bryant:

HJR 369. CONGRATULATING FRANCIS MARION HIGH SCHOOL BOY'S BASKETBALL TEAM ON THE 1993 STATE 3A CHAMPIONSHIP.

Also:

By Rep. Layson:

HJR 370. COMMENDING STATE FORESTER C. W. MOODY OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 367, 368, 369, and 370, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rogers (F):

HJR 372. MOURNING THE DEATH OF WILLIAM BRADFORD "BRAD" LAVIES OF ADAMSVILLE, ALABAMA.

Also:

By Rep. Rogers (F):

HJR 373. MOURNING THE DEATH OF JACK CAPPS.

Also:

By Rep. Payne:

HJR 375. COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL FOR BEING NAMED AN ALABAMA BLUE RIBBON SCHOOL.

Also:

By Rep. Payne:

HJR 376. COMMENDING THE E. B. ERWIN HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 372, 373, 375, and 376, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Crow, Willis, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, and Zoghy:

HJR 374. COMMENDING THE ALABAMA POWER COMPA-

NY AND ITS EMPLOYEES FOR THEIR EFFORT DURING THE BLIZZARD OF 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 374, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Drake and Bowling:

HJR 377. NAMING THE EXPERIMENTAL NURSERY AND BUILDING AT WALLACE STATE COMMUNITY COLLEGE AT HANCEVILLE IN HONOR OF MR. JACK HOPPER.

Also:

By Rep. Cosby:

HJR 378. CONGRATULATING WILLIAM ELTON REECE FOR HIS INDUCTION INTO THE LIVINGSTON UNIVERSITY ATHLETIC HALL OF FAME.

Also:

By Rep. Cosby:

HJR 379. COMMENDING THE EMPLOYEES OF THE DALLAS COUNTY DEPARTMENT OF HUMAN RESOURCES FOOD STAMP PROGRAM FOR SUCCESSFULLY LOWERING THE PAYMENT ERROR RATE DURING THE 1991 FISCAL YEAR.

Also:

By Rep. Cosby:

HJR 380. COMMENDING THE MEADOWVIEW CHRISTIAN TROJANS FOR BEING THE 1992 ALABAMA INDEPENDENT

SCHOOL ASSOCIATION 3A RUNNER-UP IN FOOTBALL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 377, 378, 379, and 380, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Black (M) and Goodwin:

HJR 382. COMMENDING CARA CROSSLIN OF MUSCLE SHOALS HIGH SCHOOL UPON BEING SELECTED BY THE TIMESDAILY AS 4A-6A PLAYER OF THE YEAR IN GIRLS' BASKETBALL FOR AREA 15.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 382, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Clark (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan,

Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 392. EXTENDING CONGRATULATIONS TO THE HONORABLE STEVE FLOWERS OF TROY, ALABAMA, AND MISS BARBARA BEAR OF MONTGOMERY, ALABAMA, ON THEIR ENGAGEMENT AND UPCOMING MARRIAGE IN JUNE 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 392, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Rogers (J), and Perdue:

HJR 351. COMMENDING DR. ROY N. WOOD, SR., OF BIRMINGHAM, ALABAMA, ON HIS OUTSTANDING CAREER IN BROADCASTING AND JOURNALISM.

Also:

By Reps. McClain and Newton (D):

HJR 353. MOURNING THE DEATH OF LONNIE G. MURRAY OF FAIRFIELD, ALABAMA.

Also:

By Rep. Rockhold:

HJR 355. CONGRATULATING MR. AND MRS. JOHN LAW-

RENCE ROCKHOLD, ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY.

Also:

By Rep. Rockhold:

HJR 356. CONGRATULATING MR. AND MRS. CURTIS HASS OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 351, 353, 355, and 356, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clay:

HJR 397. COMMENDING HORATIO FRANK LEFTWICH, IV, OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Reps. Payne and Biddle:

HJR 398. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 397 and 398, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clay:

HJR 396. COMMENDING JARRED L. BUCHANAN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Rep. McKee:

HJR 399. COMMENDING REX A. AND OPAL SHIPP TURNER OF MONTGOMERY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Rep. Hooper:

HJR 400. COMMENDING MISS KATIE STRONG OF MONTGOMERY, ALABAMA, AS SPEAKER OF THE HOUSE IN THE 1993 YMCA YOUTH LEGISLATURE.

Also:

By Rep. Hooper:

HJR 401. COMMENDING MISS SARAH MARTIN, RECIPIENT OF YMCA YOUTH LEGISLATURE AWARDS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 396, 399, 400, and 401, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 191. To further provide for the funding of Emergency Medi-

cal Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 402. ESTABLISHING A CHILD CARE COMMISSION.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 609. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Biddle, and Parker (T).

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 609, the title of which is set out in the foregoing Message from the House.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Lindsey, Wilson, and Parsons.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 87. To make a supplemental appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 87

We, the Committee on Conference, appointed to reconcile the difference between the two Houses concerning HB 87, have met in conference and have agreed to accept the attached substitute which is

made a part of this report as is fully set out herein.

TOM BUTLER,
BILL FULLER,
STEVE MCMILLAN,

Conferees of the House.

DANNY CORBETT,
JIM SMITH,
BILL SMITH,

Conferees of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 87

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the State General Fund to the State Department of Veterans' Affairs the sum of \$5,681,818 for the fiscal year ending September 30, 1993. This appropriation shall be used to match federal funds for the construction of a veterans' nursing home in Bay Minette, Alabama, and for the construction of a veterans' nursing home in Huntsville, Alabama; or to repay the City of Huntsville, Alabama, or to repay the City of Bay Minette, Alabama, or both, for funds advanced for this purpose. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the State Department of Veterans' Affairs.

Section 2. The supplemental appropriation provided by this act or any portion thereof shall be released only in the event funds are estimated to be available in the State General Fund in an amount sufficient to cover such appropriation or any portion thereof without causing proration in the State General Fund to be increased beyond 3.2%. This determination shall be made by the Finance Director and shall be approved by the Governor.

Section 3. The Governor shall have the discretion, upon recommendation from the Finance Director, to release a portion of the ap-

propriation provided by this act and/or any available residue from the 1 mill ad valorem tax appropriated to the State Department of Veterans Affairs as provided by the act introduced in the 1993 Regular Session as House Bill 301 in the amount necessary to provide a total net amount of \$5,500,000 to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 for the purpose as provided by this act. At such time as a net total of \$5,500,000 has been released to the Department of Veterans' Affairs from this appropriation and/or the ad valorem tax residue the remainder of this appropriation shall be null and void.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 87, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 87, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 87, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Langford, Lindsey, Lipscomb, Owens, Parsons, Smith (J), Waggoner, and Windom -18

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 129. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedsole, the Senate concurred in and adopted the following House amendment to the Bill, SB 129, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 129

To amend SB 129 on page 2 after line 6 by adding a new Section 2 as follows and renumbering the following sections accordingly:

"Section 2. It is the intent of the Legislature that the City of Dauphin Island may not exercise authority of any kind with any municipal ordinances, regulations, rules or local laws over the land off-shore which will be annexed under the provisions of this bill."

Also:

Amend SB 129 by changing Section 3 to Section 4 on Line 13, page 2, and by inserting the following language as new Section 3 beginning on Line 13, page 2:

"Section 3. This Act shall not have the effect of imposing any form of municipal regulation, nor shall it authorize any municipal ordinance which would impose municipal taxation, on oil or gas exploration, drilling, development or production activities or facilities, including pipelines, now or hereafter located on or under State or other water bottoms in the area to be annexed, and such exploration, drilling, development, and production activities and facilities, including pipelines, shall be permanently exempt from municipal regulation (including zoning, building codes, etc.) and shall be exempt from any municipal ordinance which would impose municipal taxation."

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

Senator Hill moved that the Senate reconsider the vote by which the Senate concurred in the House amendment to the Bill, SB 129.

Senator Windom moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 6 Nays 16

Yeas:

Senators:

Bedsole, Corbett, Denton, Figures, Ghee, and Wilson

- 6

Nays:

Senators:

Bailey, Barron, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, and Waggoner

-16

Senator Windom then moved that the Rules be suspended and the motion to reconsider be postponed temporarily.

On motion of Senator Barron, said motion to postpone was laid on the table.

Yeas 13 Nays 7

Yeas:

Senators:

Bailey, Barron, Bennett, Dial, Dixon, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, and Waggoner

-13

Nays:

Senators:

Bedsole, Corbett, deGraffenried, Figures, Horn, Wilson, and Windom

- 7

The question recurred on the motion of Senator Hill that the Senate reconsider the vote by which the Senate concurred in the House amendment to the Bill, SB 129, which motion was adopted.

On motion of Senator Windom, the Rules were suspended and further consideration of the House amendment to the Bill, SB 129, was postponed temporarily.

POINT OF ORDER

Senator Langford raised the following point of order "The Bill, SB 651, having been reported favorably from the Standing Committee on Local Legislation No. 1, read a second time and placed on the calendar on the Twenty-Fourth Legislative Day, pursuant to the provisions of Senate Rule 51, should have been referred to the Standing Committee on State Development and Tourism."

RULING OF THE CHAIR

The President Pro Tempore and Presiding Officer of the Senate sustained Senator Langford's inquiry and ordered the Bill, SB 651,

removed from the calendar and referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Butler:

H. 925. Amending Section 22-11A-38, Code of Alabama 1975, specifying circumstances in which the State Health Officer or the designee of the officer would be required to disclose information regarding HIV infected persons for certain criminal proceedings.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

S. 535. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

By Senator Mitchell:

S. 539. To amend Sections 41-6-8, 41-6-14, and 41-6-15, Code of Alabama 1975, relating to the powers and duties of the Department of Archives and History, to provide that the department may prepare the Alabama official and statistical register and edit the Alabama Historical Quarterly.

By Senator Langford:

S. 628. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than five circuit judges; and to repeal Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

By Rep. Carothers:

H. 613. To amend Section 11-42-5 of the Code of Alabama

1975, by providing for the validation of annexation by Class 5 municipalities.

By Reps. Carothers and Mathis:

H. 704. Relating to any Class 5 municipality; providing for the appointment of the city board of education from districts corresponding to the city governing body districts and the manner of their appointment and one from the city at-large, appointed by the mayor.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (T):

H. 72. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Letson and Morrow:

H. 338. To amend Section 2-27-11 which requires persons who purchase and use restricted-use pesticides to be permitted so that a fee for the issuance and reissuance of a permit shall be from \$15 up to \$30 and that the exact amount shall be determined by rules adopted by the Board of Agriculture and Industries and that the permit fee prior to the adoption of said rules shall be \$15.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (P):

H. 32. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to vacations and leaves of absence, so to further allow local boards of education greater flexibility in the development of local board policies.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDaniel, Hall, Haynes, Higginbotham, Cosby, Laird, Clark (J), Beasley, Carter, Smith (C), Petelos, Knight (A), Bryant, Carns, Lindsey, Turnham, Curry, Layson, Richardson, McMillan, McKee, Butler, Rogers (F), Gaston, Kvalheim, Sanderson, Gaines, Parker (T), Rich, Walker, Gullatt, Blakeney, Cullins, Hamilton, Powell, Hooper, Rockhold, Bugg, Venable, Haney, Newton (C), Smith (R), Sanderford, Flowers, Burke, Turner, Hill, Hawkins, Letson, Willis, Morton, Box, Starkey, Hammett, Mathis, Mikell, Clay, Melton, Johnson, and Biddle (With Substitute):

H. 352. To prohibit and make unlawful certain campaign contributions to candidates for judicial office; and to provide for criminal penalties.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDaniel, Harper, Hall, Harvey, Clark (J), Hammett, Zoghby, Laird, Cosby, Beasley, Carter, Smith (C), Petelos, Knight (A), Carns, Fuller, Lindsey, Curry, Layson, Richardson, McMillan, McKee, Butler, Bryant, Gaston, Kvalheim, Sanderson, Gaines, Parker (T), Rich, Walker, Gullatt, Blakeney, Cullins, Hamilton, Powell, Hooper, Rockhold, Collins, Haney, Newton (C), Smith (R), Sanderford, Flowers, Burke, Turner, Turnham, Rogers (F), Hill, Hawkins, Letson, Willis, Morton, Box, Starkey, Mathis, Carothers, Mikell, Clay, Melton, Johnson, and Biddle (With Substitute)(With Amendments):

H. 354. To enact "The Punitive Damages Reform Act of 1993"; to further provide for punitive damages in civil actions with certain exceptions; and to repeal Sections 6-11-21 and 6-11-27, Code of Alabama 1975.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hooper, Hawkins, Hammett, Clark (J), McMillan, Ford,

Bowling, McDaniel, Beasley, Hamilton, Carter, Burke, Rich, Gaines, Carns, Higginbotham, Harper, and Clay (With Substitute):

H. 404. To enact into law the current common law doctrine known as the Alabama Extended Manufacturer's Liability Doctrine and limit causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective to those situations in which a party is also the manufacturer, assembler of the product, or the maker of a component part of the final product.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (P):

H. 652. To indemnify members of the State Board of Education for personal liability by including such members under the general liability insurance coverage of the General Liability Trust Fund of the State of Alabama.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gullatt:

H. 414. To amend Sections 11-46-5, 11-46-22, 11-46-24, and 17-9-4 of the Code of Alabama 1975, to authorize all municipalities having a general municipal election or run-off election required by general or local act at a time different from the dates now or hereafter provided by Article 2, Chapter 46, Title 11 of the Code of Alabama 1975, to elect by ordinance to have the election at the same time as required by Article 2; to change the date on which the mayor gives notice of a municipal election; to provide that where electronic voting machines are used in municipal elections, a number of electors not to exceed 1,200 may be assigned to each voting machine; and to provide the time at which the municipal governing body shall appoint election officers.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate

with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Cullins and Haney:

H. 14. To amend Section 32-5-240, Code of Alabama 1975, to require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bolling:

S. 663. To amend Section 41-23-24, Code of Alabama 1975, to provide further for the timing of taking enterprise zone tax credits and for the use of certain enterprise zone income tax credits by certain business entities; to repeal Section 41-23-24(b) and Section 41-23-31, Code of Alabama 1975, and to amend Section 41-23-29(6), Code of Alabama 1975, in order to clarify rule-making authority under the act; and to amend Section 41-23-26, Code of Alabama 1975, and to repeal Section 41-23-30(b)(2) in order to clarify the need for endorsement by an appropriate local governing authority as a prerequisite to applying for any benefits under the act.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Notice and Proof):

S. 660. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

By Senator Campbell (With Notice and Proof):

S. 665. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof)(With Amendment):

S. 558. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

S. 653. To regulate and license private detectives and private investigators engaged in private investigative business; to create the Private Detective and Private Investigator Board and provide for its powers and duties; to provide for licensure and application fees, record retention, and inspection; to provide for exceptions; and to provide for felony and misdemeanor penalties.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 520. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1994 and to require an operations plan and an audited financial statement prior to release of any funds.

By Reps. McDowell, Rogers (J), McClain, Barnes, Campbell, Kennedy, Buskey, Clark (W), Holmes, Thomas, Fuller, Melton, Bryant, Black (L), Carothers, Haynes, Laird, Dolbare, and Clark (J):

H. 194. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 237. To make an appropriation from the State General Fund to the Child Advocacy Centers and to the Alabama Network of Children's Advocacy Centers, Inc. for the fiscal year ending September 30, 1994, and to require operations plans and audited financial statements prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 453. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Notice and Proof):

S. 657. Relating to the Water Works and Sanitary Sewer Board of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hamilton, Carter, Laird, Burke, Harvey, Haney, Smith (R), Anderson, Morrow, Turner, Hall, Butler, and Lindsey:

H. 411. Relating to mussel catcher's license fees and assess-

ments on the purchase of freshwater mussels; to amend Section 9-11-372 of the Code of Alabama 1975, to provide for both a resident and nonresident mussel catcher's license; to further provide for the fees for licenses; to provide for a fee for certain mussels taken from Alabama waters; and to provide for certain misdemeanor penalties related thereto.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Escott-Russell and Horn:

S. 668. To amend Section 36-27-6, Code of Alabama 1975, as amended by Act No. 191, S. 346, 1993 Regular Session, to provide further for the transfer of funds from local pension funds to the state system when certain employees of state or county agencies and departments become members of the Employees' Retirement System of Alabama.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Flowers:

H. 43. Reopening for a certain time the Teachers' Retirement System for purchase of a certain amount of service credit by active members for certain periods of time during which they were on leave without pay.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 613. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or

conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newton (C):

H. 459. To provide further for length restrictions on vehicles, trucks, trailers, semi-trailers, or combination thereof, transporting laminated wood building materials, and amending Section 32-9-25 for that purpose.

By Rep. Turner:

H. 105. Amending Sections 12-17-145 and 12-17-161, Code of Alabama 1975, to allow certain court clerks and registers to elect to participate in the supernumerary fund by a certain deadline.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 29. Relating to Jefferson County; providing for an additional expense allowance for the county treasurer.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDowell, Petelos, Gaines, Newton (D), Sanderson, Rogers (F), Hawkins, Biddle, Rogers (J), McClain, and Carns (With Notice and Proof)(With Substitute)(With Amendment):

H. 199. To amend Act No. 929, S. 676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, so as to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for retroactive effect.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Notice and Proof):

S. 305. Relating to Jefferson County, providing for a salary for the statutory chief clerk of the probate court of said county.

By Senators Waggoner and Bennett (With Notice and Proof):

S. 306. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

By Senator Parsons (With Notice and Proof):

S. 587. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

By Senator Escott-Russell (With Notice and Proof):

S. 654. Relating to Jefferson County; providing certain county supplements for the secretaries for district and circuit court judges in the county.

By Rep. Newton (D) (With Notice and Proof):

H. 35. To provide members of the council or governing body

of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

By Reps. Rogers (F), Gaines, and McDowell (With Notice and Proof):

H. 90. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award such pension if, in the judgment of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension.

By Rep. Biddle (With Notice and Proof):

H. 92. Relating to Jefferson County, providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

By Rep. Spratt (With Notice and Proof):

H. 152. Relating to Class 1 municipalities; providing for the election of the city board of education from nine single-member districts.

By Reps. Newton (D), Rogers (J), Spratt, Barnes, Rogers (F), Petelos, Sanderson, Gaines, Morton, and Curry (With Notice and Proof):

H. 558. To amend Sections 6.08 and 6.09 of Act No. 452, H. 974, approved September 9, 1955, providing for a Mayor-Council form of government for the City of Birmingham as classified on a population basis in 1955, to provide further for competitive bidding on certain public works contracts entered into by the city.

By Reps. Biddle and Morton (With Notice and Proof):

H. 585. Relating to Jefferson County; levying an additional 3% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau, the Birmingham-Jefferson Civic Center Authority, and the City of Bessemer Civic Center, for the promotion of Birmingham and Jefferson County as a convention, sports event and visitors' destination; providing that the Director of Revenue shall collect such tax.

By Rep. Hawkins (With Notice and Proof):

H. 599. To authorize the County Commission of Jefferson

County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

By Rep. Perdue:

H. 637. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Sanderson, Petelos, Curry, Rogers (F), Gaines, Rogers (J), Barnes, and Spratt (With Notice and Proof):

H. 642. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

By Rep. Hawkins (With Notice and Proof):

H. 697. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Jefferson County.

By Reps. Gaines, Petelos, Curry, and Sanderson (With Notice and Proof):

H. 785. To amend Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), as amended, relating to the City of Birmingham Retirement and Relief System; providing for the cost-of-living retirement benefits for retired employees, and their designated survivors, of the Jefferson County Board of Health; and providing for benefits to those persons receiving compensation from the system at the date of the passage of this act.

By Reps. Biddle and Payne (With Notice and Proof):

H. 793. Relating to the municipalities in Jefferson County; providing that a municipal corporation in Jefferson County may establish, purchase, construct, maintain, and operate a television cable system and furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; providing the powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with cable television systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the holders; and exempting municipal corporations transacting cable television business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. McClain (With Notice and Proof):

H. 827. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 845. Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 661. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1993 that are subject to proration shall be reduced by the Department of Finance to the level that equals 3.2% proration for the fiscal year 1992-93 and to provide that any revenue deposited into the State General Fund in excess of the amount required to cover that level of appropriations from the fund shall be carried over to the fiscal year beginning October 1, 1993.

By Rep. Newton (C):

H. 516. Providing that oxygen or durable medical equipment ultimately provided to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes and that a provider of oxygen or durable medical equipment which is rented or leased to a recipient of Medicare or Medicaid benefits shall be exempt from rental and leasing taxes on the gross receipts of the transaction.

By Rep. Harper:

H. 669. To further provide for funding of the Lands Division of the Department of Conservation and Natural Resources; to amend Section 9-15-15, Code of Alabama 1975, relating to the disposition of certain revenues from unused lands, to provide for the deposit of the revenue in the State Land Fund; to amend Section 9-15-16, Code of Alabama 1975, relating to the administrative expenses for the management of unused lands; to amend Section 9-15-39, Code of Alabama 1975, relating to revenue derived from school lands, to provide for the retention of a management fee of 10 percent by the Lands Division; and to amend Section 9-15-40, Code of Alabama 1975, relating to revenue derived from the management of certain swamp and overflow lands, to provide for the retention of a management fee of 10 percent by the Lands Division; to amend Section 9-15-52, Code of Alabama 1975, relating to the management of certain sand and gravel resources, to provide for an administrative fee of 10 percent; to provide for the retention of a management fee of 10 percent by the Lands Division for all other lands managed by the division; to further provide for the deposit of certain funds and fees into the State Lands Fund and to further provide for the use thereof.

RESOLUTION

Senators Corbett and Little offered the following Senate Joint Resolution, to-wit:

SJR 108. CONGRATULATING WILLIAM M. "BILLY" BEAS-

LEY AS THE NEW OWNER OF TOOMER'S DRUGS IN AUBURN.

WHEREAS, William M. "Billy" Beasley of Clayton, Alabama, has recently become a part of Auburn's tradition as the new owner of Toomer's Drugs, located on legendary Toomer's Corner in Auburn; and

WHEREAS, founded in 1896, and known for the freshly squeezed lemonade, limeade, and other traditional favorites, Toomer's Drugs has long been a popular gathering place both for Auburn students and fans alike; and

WHEREAS, Billy Beasley, a practicing pharmacist and owner of the Louisville Drug Store in Louisville, Alabama, graduated from Auburn's School of Pharmacy in 1962; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to William M. "Billy" Beasley, as the new owner of Toomer's Drugs in Auburn, and direct that he receive a copy of this resolution of sincere personal regard and best wishes for every future success.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Windom requested that the Journal show that had he voted on the motion to table the motion to reconsider the vote by which the Senate concurred in the House amendment to the Bill, SB 129, he would have voted "Aye".

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 25, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), and Wilson -25

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

S. 25. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Pickensville in Pickens County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 317, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 317. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 413, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 413. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 441, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 441. Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales

and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 526, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dixon, Ellis, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 526. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., HB 626, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 626. Relating to Mobile County; to amend Act No. 92-105, H. 74, 1992 Regular Session, which creates a County Racing Commission, to further define requirements for applicants for benefits under the Mobile County Law Enforcement and Firefighters' Pension Fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 550, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 550. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Lindsey, Little, Mitchell, Owens, Parsons, Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 559, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 559. To propose an amendment to the Constitution of Ala-

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bama of 1901, to provide for the election of the Cullman City Board of Education.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 560, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 560. Providing for a board of education for the City of Cullman, to be elected by the qualified electors of the city from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 519, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 519. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 553, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 553. Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 564, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 564. Relating to Shelby County; to amend Section 7 of Act

No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd requested and received permission to suspend the Rules in order to bring up the Bill, HB 621.

Senator Floyd, B.I.R., HB 621, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchem, Parsons, Sanders, Waggoner, Wilson, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 621. Providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 4 municipality which is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien, and providing for the collection of the assessments and the enforcement of the lien.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Little, Mitchem, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd requested and received permission to suspend the Rules in order to bring up the Bill, HB 622.

Senator Floyd, B.I.R., HB 622, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 622. Relating to any Class 4 municipalities whose city governing body is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975; to provide the right of the city to demolish unsafe structures; providing for a determination of the ownership of the real property or structure and notice of hearing, the procedure for holding the hearing before the city governing body, the procedure for appeal to the circuit court, the right of the city to obtain a lien for the cost of demolition, the authority to assess against property sold to the State of Alabama for taxes, and the method of collection of assessments.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd requested and received permission to suspend the Rules in order to bring up the Bill, SB 498.

Senator Floyd, B.I.R., SB 498, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 498. To amend Section 11-43B-15, Code of Alabama 1975, relating to the governing bodies of certain Class 4 municipalities; to increase the number of members on boards of education in Class 4 municipalities to seven.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 561, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 561. Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 576, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 576. Relating to Morgan County; to provide for the compensation of members of the county board of registrars, by amending Section 1 of Act No. 773, S. 811, 1977 Regular Session (Acts 1977, p. 1279).

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:**Senators:**

Amari, Barron, Bedsole, Bennett, Bolling, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:**- 0****BUDGET ISOLATION RESOLUTION**

Senator Parsons, B.I.R., SB 591, adopted.

Yeas 25 Nays 0**Yeas:****Senators:**

Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -25

Nays:**- 0****BILLS ON THIRD READING RESUMED****THE BILL:**

S. 591. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0**Yeas:****Senators:**

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:**- 0****BUDGET ISOLATION RESOLUTION**

Senator Parsons, B.I.R., SB 592, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 592. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 592, to-wit:

AMENDMENT TO SB 592

On page 4, line 17, after the period insert the following language:

Provided, however, the allocation provided in this subdivision (11) shall not be made if the provisions of Act No. 93- __ of the 1993 Regular Session, which levies an additional ad valorem tax in Greene County, is approved by the electors of the county. If the provisions of that act are approved, the allocation provided in this subdivision shall revert to the county general fund.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

The Standing Committee on Local Legislation No. 1, then reported the following amendment No. 2, to the Bill, SB 592, as amended, to-wit:

AMENDMENT NO. 2 TO SB 592, AS AMENDED

On page 5, line 6, after the language "Clinton," insert the following language:

Dollarhide,

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, and Windom -25

Nays:

- 0

And said Bill, SB 592, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 598, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 598. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Lisman in Choctaw County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 492.

Senator Hill, B.I.R., HB 492, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 492. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 2000; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 2001; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 2000-2001 for this additional judgeship position.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:**Sensors:**

Amari, Bailey, Bennett, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 529, adopted.

Yeas 25 Nays 0

Yeas:**Sensors:**

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 529. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:**Sensors:**

Amari, Bailey, Barron, Bedsole, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 590, adopted.

Yeas 25 Nays 0

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Yeas:

Sensors:

Amari, Bailey, Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 590. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Sensors:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 594, adopted.

Yeas 25 Nays 0

Yeas:

Sensors:

Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 594. Relating to Calhoun County; providing that the Calhoun

County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 594, to-wit:

AMENDMENT TO SB 594

On page 2, line 3, after the word "industrial" insert the following:

and economic

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

And said Bill, SB 594, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 595, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, SB 595, to-wit:

SUBSTITUTE FOR SB 595

**A BILL
TO BE ENTITLED
AN ACT**

To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words or phrases when used in this act shall mean:

(1) **ACCUSATORY INSTRUMENT.** A warrant of arrest, information, or grand jury indictment.

(2) **DEFERRED PROSECUTION.** The suspension of prosecution prior to indictment for a specified period of time upon the request of the accused with the consent of the District Attorney.

(3) **DIVERSIONARY SCREENING.** The discretionary power of the District Attorney to suspend, prior to the indictment, all formal prosecutorial proceedings against a person who has become involved in the criminal justice system as a defendant or an accused.

(4) **NONCRIMINAL DISPOSITION.** The dismissal of a criminal charge without prejudice to the state to reinstate criminal proceedings on motion of the District Attorney as herein provided.

(5) **PREPROSECUTION or PRETRIAL DIVERSION.** The imposition of conditions of behavior and conduct by the District Attorney upon defendants charged with certain criminal offenses for a specified period of time prior to the formal prosecution or indictment.

(6) **PROSECUTORIAL DISCRETION.** The power of the District Attorney, prior to indictment, to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and if so taken, of what kind and degree and to what conclusion.

Section 2. The District Attorney for the Seventh Judicial Circuit is specifically endowed with and shall retain all of his or her discretionary powers under the common law.

The District Attorney shall have the prosecutorial discretion as defined herein or any which he or she has under the common law, and may as a matter of such prosecutorial discretion establish a pretrial or a preprosecution diversionary or deferred prosecution program in all courts within the circuit.

Section 3. The District Attorney shall utilize the discretion to screen or divert cases out of the criminal justice system when he or she feels that the advantages of the diversion, or preprosecution probation would outweigh the advantages of prosecution. Among the factors which may be considered by the District Attorney are:

- (1) Undue hardship caused to the accused or the victim.
- (2) Excessive costs of prosecution in relation to the offense.
- (3) Possible deterrent value of prosecution.
- (4) Aid to other prosecution goals through nonprosecution.
- (5) The expressed wish of the victim not to prosecute or to prosecute.
- (6) Age of the case and of the defendant.
- (7) The seriousness of the crime and the effect upon the public

sense of security and justice if the offender were to be treated without criminal conviction.

(8) Whether the offender or the victim has medical, psychiatric, family, or vocational difficulties.

(9) Whether there is a reason to believe that the offender or the victim will benefit from and cooperate with a diversionary program.

(10) What the impact of criminal charges would be upon the victim, witnesses, the offender, and their families.

(11) The economic advantages of restitution of loss to the victim.

Section 4. The presiding judge of the Criminal Division of the Seventh Judicial Circuit, after consultation with the other circuit judge of the circuit, shall appoint an advisory commission comprised of at least seven citizens of counties within the circuit which shall be known as the Citizens Advisory Commission on Prosecution. The commission shall serve at the pleasure of the appointing authority for the circuit, and shall make recommendations to the District Attorney concerning which defendants shall be eligible or shall not be eligible for preprosecution or pretrial diversion based upon criteria established by the District Attorney and the commission, and upon its consideration of factors enumerated in Section 3.

The commission shall serve without personal profit, but may be paid from the funds of the District Attorney for actual expenses incurred in connection with its duties.

At least one member shall be appointed upon the recommendation of the Board of Directors of the Bar Association of the counties comprising the circuit.

Section 5. Prior to or upon the issuance of an accusatory instrument other than an indictment charging a defendant with an offense other than an offense enumerated in Section 7, the District Attorney, upon the request of the defendant, may withhold prosecution or presentment to the grand jury thereon. The District Attorney may then establish a preprosecution or pretrial diversionary program for a specified period of time.

Section 6. During that period, the District Attorney may impose conditions upon the behavior and conduct of the defendant which assures the safety and well being of the community as well as that of the defendant.

The conditions imposed by the District Attorney shall include the following:

(1) Placing the person under the supervision of a designated

person or organization or appointed agency agreeing to supervise the defendant.

(2) Requiring absolute noncriminal behavior on the part of the defendant.

(3) Requiring the defendant to conduct himself or herself in an honorable manner as a good member of the community, and not endanger the person, property rights, dignity, or morals of himself or herself or others.

(4) Requiring the defendant to comply with municipal, county, state, and federal laws, ordinances, and orders.

(5) Requiring the defendant to promptly reply to communication from the Office of the District Attorney, probation counselor, or other representative or person designated by the District Attorney or the probation department.

(6) Requiring the defendant to submit written reports in accordance with the instructions of the Office of the District Attorney or the probation department or other written or oral reports as required of the defendant by the Office of the District Attorney or probation department.

(7) Requiring the defendant to be absolutely truthful in the oral or written reports.

(8) Requiring the defendant to make every effort to obtain and hold a legitimate job and cooperate with the Office of the District Attorney in an effort which the office may make to obtain employment for the defendant.

(9) Requiring the defendant to report a loss of employment to the Office of the District Attorney or his or her probation counselor.

(10) Requiring the defendant to give notice of his or her arrest on any charge to the Office of the District Attorney or to his or her probation counselor.

(11) Requiring the defendant to support his or her dependents, if any, and assume toward them all moral and legal obligations.

(12) Requiring the defendant to pay restitution to the victim of the offense in an amount and upon terms determined by the District Attorney.

(13) Requiring the defendant to pay a monthly supervision fee to

the Office of the District Attorney in an amount equalling for monthly supervision fee paid by probationers and parolees to the Alabama Board of Pardons and Paroles, and the supervision fee monies shall be used to support the preprosecution diversionary program, or for other law enforcement purposes.

Section 7. Persons charged with the following criminal conduct shall not be eligible for participation in any preprosecution diversionary program instituted under the provisions of this act.

- (1) Kidnapping.
- (2) Arson.
- (3) Extortion.
- (4) Bribery by or of a public official.
- (5) Burglary in the first degree.
- (6) Illegal use of dynamite or other explosives.
- (7) Escape.
- (8) Homicides.
- (9) Assault in the first degree.
- (10) Forcible sex crimes.
- (11) Robbery.
- (12) Sale of controlled substances.
- (13) Sexual offenses involving a child.
- (14) Violation of public officials' duty and obligation.
- (15) Introduction of drugs into a penal or correctional institution.
- (16) Capital offense.

Section 8. Prior to the issuance of an indictment by a grand jury, the responsibility and authority for the decision to screen or divert cases, or to refuse to screen or divert particular cases, shall rest within the sole judgment and discretion of the District Attorney for the circuit. After the issuance of an indictment, a criminal case shall not be diverted or screened without the express approval and concurrence of the presiding

judge of the circuit or a circuit court judge designated by him or her for such purposes, and the approval and acceptance into the program shall not require the defendant to enter a plea or change a prior plea.

Section 9. A defendant voluntarily participating in the program shall have the right to:

(1) Insist on criminal prosecution at any time the prosecution for the offense for which he or she is charged is pending, and to have a circuit court judge determine whether pressure or coercion was applied to the defendant to accept noncriminal disposition.

(2) The right of counsel of his or her choosing or if indigent, court appointed counsel during all phases of the diversionary or preprosecution probationary proceedings, unless the right to counsel is knowingly and voluntarily waived by the accused.

Section 10. In conducting the program, the District Attorney may:

(1) Insist at any point upon the reinitiation of criminal proceedings, when, in his or her judgment, the action would be desirable.

(2) Require the services of available probation workers within the county comprising the circuit for investigation reports for the purposes of determining eligibility of persons for participation in the pretrial probation.

Section 11. After the completion of the preprosecution or pretrial diversionary period and the conditions imposed upon the defendant to the satisfaction of the District Attorney, defendants participating in the programs shall be entitled to a noncriminal disposition of charges against him or her which may be done by the appropriate judge entering on a docket sheet, "Diverted and Dismissed."

The noncriminal disposition may, in the discretion of the District Attorney, be without prejudice to the State of Alabama for the reinstitution of criminal proceedings on the diverted criminal charges upon any subsequent criminal activity on the part of the accused.

Section 12. At the request of the defendant, the District Attorney for the circuit may file in the circuit courts of the circuit or elsewhere as necessary, petitions seeking to expunge or purge all records against an accused for the diverted offense, provided, however, the accused has satisfactorily performed the conditions of his or her preprosecution probation, if any.

The circuit courts of the circuit are empowered to issue whatever process necessary to grant the petitions.

Section 13. The county commission for the circuit shall in their discretion expend monies from the General Fund of the county for the payment of any or all of the costs of the program.

Section 14. The District Attorney for the circuit may, in his or her discretion, use or expend monies from the District Attorney Fund for any or all of the costs of the program.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

And said Bill, SB 595, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Waggoner
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 596, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 596. Relating to Calhoun County; to abolish the office of constable provided for in each election precinct.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 612, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 612. To propose an amendment to the Constitution of Ala-

bama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Sanders, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 618, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 618. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

was taken up.

Senator Dial offered the following amendment to the Bill, SB 618, to-wit:

AMENDMENT TO SB 618

Amend Senate Bill 618 on Page 1, Line 32, as follows:

Delete the words "Agricultural Stabilization and", and add in lieu thereof the word "Soil"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

And said Bill, SB 618, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 621, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 621. Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

**REGULAR SESSION
25th Day**

1403

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 623, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was taken up.

Senator Mitchell offered the following amendment to the Bill, SB 623, to-wit:

AMENDMENT TO SB 623

On page 9, line 24, in "EXHIBIT 'D'", delete the number "30" and insert in lieu thereof the number:

36

On page 16, after line 31, in "EXHIBIT 'E'", add the following:

LESS AND EXCEPT:

Commencing at the intersection of the north right-of-way of Johnson Road and the east line of the NE1/4 of the SW1/4, Section 14, T6N, R24E, Dale County, Alabama and running along said east line

thence N 1°16'38"E 550.00 feet to the POINT OF BEGINNING. Thence N 89°05'16"W 1327.35 feet to the west line of said forty, thence N 1°11'13"E 684.38 feet along said west line to the northwest corner of the said forty, thence N 1°11'13"E 1321.42 feet along the west line of the SE1/4 of the NW1/4 to the northwest corner of the said forty, thence S 89°12'29"E 1330.53 feet to the northeast corner of the said forty, thence S 1°16'38"W 1324.23 feet to the southeast corner of the said forty, thence S 1°16'38"W 684.39 feet to the POINT OF BEGINNING. The herein described property being the SE1/4 of the NW1/4 and a portion of the NE1/4 of SW1/4, T6N, R24E, Dale County, Alabama and containing 61 acres more or less.

LESS AND EXCEPT

Beginning at the intersection of the west line of the NE1/4 of the NE1/4, Sec. 16, T6N, R24E, Dale County, Alabama and the existing corporate limits of the City of Ozark and running thence N 63°06'25"E 619.86 feet along said corporate limits, thence leave the corporate limits S 4°30'43"E 252.04 feet, thence N 63°06'25"E 210.00 feet, thence N 1°23'40"E 20.00 feet, thence N 64°16'03"E 630.00 feet to the east line of said section, thence N 1°23'40"E 50.00 feet along said section line, thence S 88°36'20"E 463.00 feet, thence S 88°36'20"E 463.00 feet, thence N 1°23'40"E 377.52 feet, thence S 88°36'20"E 210.00 feet, thence N 1°23'40"E 10.00 feet, thence S 88°36'20"E 451.91 feet, thence S 1°19'15"W 159.38 feet, thence S 88°53'23"E 200.56 feet to the east line of the NW1/4 of the NW1/4, Sec. 15, T6N, R24E, thence S 01°19'15"W 851.66 feet along said forty line to the southeast corner of the said forty, thence S 1°19'15"W 1335.63 feet to the southeast corner of the SE1/4 of the NW1/4, Sec. 15, T6N, R24E, thence N 89°22'43"W 1328.60 feet to the southwest corner of said forty and the section line, thence N 89°27'35"W 1315.28 feet along the south line of the SE1/4 of the NE1/4, Sec. 16, T6N, R24E to the southwest corner of the forty, thence N 1°18'29"E 1335.96 feet to the northwest corner of the forty, thence N 1°18'29"E 159.91 feet along the west line of the NE1/4 of the NE1/4 to the POINT OF BEGINNING. The herein described property being the SW1/4 of NW1/4, Sec. 15 and the SE1/4 of NE1/4, Sec. 16 and lying in and being a portion of the NW1/4 of NW1/4, Sec. 15 and the NE1/4 of NE1/4, Sec. 16, T6N, R24E, Dale County, Alabama and containing 118 acres more or less.

On page 22, after line 17, in "EXHIBIT 'F'", add the following:

LESS AND EXCEPT:

Beginning at the point where Co. Rd. 36 and Co. Rd. 11 intersect and running thence along the centerline of Co. Rd. 11 a chord bearing of N 33°02'14"W 384.85 feet to a point that is 250 feet parallel to the north right-of-way of Co. Rd. 36, thence a chord bearing of S

70°52'35"E 693.01 feet of a line 250 feet parallel to the north right-of-way of Co. Rd. 36, thence S 26°22'53"W 604.32 feet, thence S 55°54'33"W 381.04 feet, thence N 30°24'21"W 513.86 feet, thence N 6°51'04"W 257.98 feet to the centerline of Co. Rd. 36, thence a chord bearing of S 84°41'27"E 431.83 feet along said right-of-way to the POINT OF BEGINNING. The herein described property lying in and being a portion of the NE1/4 of SW1/4, SE1/4 of SW1/4, NW1/4 of SE1/4 and SW1/4 of SE1/4, T6N, R23E, Dale County, Alabama and containing 11 acres more or less. This description was written from a digitized tax map and does not represent a actual field survey and should not be used for individual conveyance.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 623, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Windom -25

Nays:

- 0

BILL RECONSIDERED

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, SB 564, was passed.

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, SB 564, was ordered to its third reading.

Senator Ellis offered the following amendment to the Bill, SB 564, to-wit:

AMENDMENT TO SB 564

On page 1, delete entirely the language on lines 24, 25, and 26,

and in lieu thereof insert the following language:

Section 7. Any person released from jail pursuant to Section 2 of this act shall pay to the county a sum, to be fixed by the court, not to exceed 40 percent of his or her gross earnings earned while

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, and Waggoner -25

Nays:

- 0

And said Bill, SB 564, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 626, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 626. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-

656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 629, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 629. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 617, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 617. Relating to Class 2 municipalities; to provide Class 2 municipalities and certain public corporations with certain powers to operate hotels and related facilities.

was taken up.

Senator Bedsole offered the following amendment to the Bill, SB 617, to-wit:

AMENDMENT TO SB 617

Amend SB 617 on page 2, Section 1, line 5 by striking after the word "located;" the following:

"and (ii)"

and inserting in lieu thereof, the following:

"(ii) the period of any such class 2 municipality's ownership is no longer than ten (10) years; and (iii)"

Which was adopted.

Yeas 25 Nays 0

**REGULAR SESSION
25th Day**

1409

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

And said Bill, SB 617, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 630, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 630. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation,

termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 631, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 631. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to

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provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., HB 162, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 162. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 624, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Ellis,
Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little,
Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and
Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 624. Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Dial, Dixon,
Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Waggoner,
Wilson, and Windom -25

Nays:

- 0

THE BILL:

S. 632. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

was taken up.

On motion of Senator Parsons, the Rules were suspended and further consideration of the Bill, SB 632, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., HB 737, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 737. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 640, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 640. Amending Section 10 of Act No. 30, H. 6, 1975 Regu-

lar Session (Acts 1975, p. 251), as last amended by Act No. 90-464 (Acts 1990, p. 660), to provide further for distribution of proceeds from certain sales and use taxes to the Health Care Authority of Cullman County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, SB 640, to-wit:

SUBSTITUTE FOR SB 640

A BILL TO BE ENTITLED AN ACT

Amending Section 10 of Act No. 30, H. 6, 1975 Regular Session (Acts 1975, p. 251), as last amended by Act No. 90-464 (Acts 1990, p. 660), to provide further for distribution of proceeds from certain sales and use taxes to the Health Care Authority of Cullman County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 10 of Act No. 30, H. 6, 1975 Regular Session, as amended, is amended further to read as follows:

"Section 10. (a)Beginning with the first month that proceeds from the taxes levied by this act are paid after the amendment of the act in 1993, the county treasurer shall distribute monthly the proceeds from the tax levied in Section 2 of this act as provided in this subsection.

"Beginning with the 1993-94 fiscal year, 12 percent of the net proceeds shall be distributed in equal monthly payments to the Health Care Authority of Cullman County and in each ensuing fiscal year the percentage of the proceeds shall increase by one percent until the authority receives 15 percent of the proceeds for the 1996-97 fiscal year and 15 percent for each fiscal year thereafter. The remaining proceeds in any fiscal year shall be distributed to Cullman County and the City of Cullman to be used and allocated as provided in this act.

"(b) The portion of the monthly tax proceeds that is to be paid to the Health Care Authority of Cullman County is appropriated to the board to be used solely for capital improvements to and operation of its public hospital, including payment of the principal of, and interest on, any bonds or other securities issued by the Health Care Authority Board for payment of the costs of capital improvements and for payments into any special funds that may be established for retirement of the bonds or other securities in the proceeding providing for their issuance. The term

'capital improvements' as used in this subsection includes improvements, additions, and replacements to the public hospital that may be chargeable to the fixed capital account by general accepted accounting principles, and real estate on which any improvements, additions, or replacements are proposed to be located. The term may include additional structures and may also include equipment and other personal property when chargeable to the fixed capital account by generally accepted accounting principles, but shall not include any operating expenses of the hospital. Notwithstanding the foregoing, the proceeds paid to the Health Care Authority of Cullman County may be assigned to secure debt payment of any bonds issued in connection with the construction, equipping, expansion, or operation of a hospital in Cullman, Alabama, owned by a nonprofit corporation of which the authority is a member.

"(c) The portion of the monthly tax proceeds that are to be paid to the City of Cullman under this act may be used by the city for any lawful purpose.

"(d) The tax proceeds allocated under this act to the county shall be distributed by the county treasurer monthly as follows:

"(1) During each successive month, 20 percent of the tax proceeds allocated to the county during the previous month shall be prorated among, and paid to, the municipalities other than the City of Cullman in the ratio or proportion that the population of each municipality other than the City of Cullman bears to the collective population of all municipalities other than the City of Cullman, based upon population figures for the municipalities as recorded in the most recent federal decennial census or municipal census. The tax proceeds distributed under this paragraph may be used for any lawful purpose by each municipality receiving the tax proceeds.

"(2) Eight thousand three hundred and thirty-four dollars (\$8,334) of the tax proceeds allocated to the county each month is appropriated for use in paving and resurfacing roads and constructing, repairing, and maintaining bridges in the county and shall be paid by the county treasurer each month to the State Highway Director. The director shall use the proceeds exclusively for paving and resurfacing roads and constructing, repairing, and maintaining bridges in the county. The amounts paid to the director shall be in addition to any funds otherwise authorized for use by the director for the construction, reconstruction, repair, and maintenance of roads and bridges in the county. Expenditures made by the State Highway Department of the proceeds paid to the Highway Director shall be made only on projects which have been consented to by the governing body of the county, and if any portion of the proceeds is unexpended at the end of any fiscal year, the unexpended portion shall be remitted, as promptly as practicable, to the county and deposited in the county general fund. An

annual accounting of the amounts paid to the Highway Director during each fiscal year shall be furnished in October of each year by the Highway Director to the governing body of the county.

"(3) The remainder of any tax proceeds allocated to the county under this section, after making the monthly payments herein provided to be made to a municipality other than the City of Cullman and to the Highway Director, shall be retained by or paid into the general fund of the county to be used by the county for any lawful purpose after monthly payments required by this section have been made.

"The county treasurer, as promptly as practicable after receiving the tax proceeds allocated under this section to the county, shall draw warrants payable to each municipality other than the City of Cullman for its respective pro rata share of the tax proceeds, and to the Highway Director for the funds to be paid to him or her under this section."

Section 2. This act shall become effective on October 1, 1993.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 640, as amended by substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 642, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, and Smith (J) -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 642. Relating to Fayette County; to alter the organization and composition of the county commission, provide for rotating the terms of chair of the commission; to reduce the compensation of the commission; to establish a shop and unit road system for the operation of the county roads and bridges; to provide for the employment of a clerk/administrator; to provide for the employment of a county engineer; to provide for the employment of a county supervisor; and to require members of the county commission to inspect the roads and bridges in their districts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 658, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nay: Senator Parsons

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 658. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

was taken up.

Senator Little offered the following substitute for the Bill, SB 658, to-wit:

SUBSTITUTE FOR SB 658**A BILL
TO BE ENTITLED
AN ACT**

To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All property owned by A. U. Hotel, Ltd. on the effective date of this act and used by that organization is hereby exempted from any state, county, and local ad valorem taxation.

Section 2. This act shall have retroactive effect to October 1, 1991.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nay: Senator Parsons

- 1

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And said Bill, SB 658, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Waggoner, Wilson, and Windom
-25

Nay: Senator Parsons

- 1

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 109. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Fifth Legislative day only.

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Public and non-public hospitals, cert. taxes and charges for Medicaid Prog. repealed, disproportionate share payment to hospitals reg., Secs. 22-6-60 to 22-6-64, 40-26B-40 to 40-26B-47 repealed

On motion of Senator Hale, the Resolution was adopted by the Senate.

**UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

And said Bill, SB 524, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 2

Yeas:

Senators:

Amari, Bedsole, Corbett, deGraffenried, Dial, Figures, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Parsons, and Windom

-17

Nays:

Senators:

Ellis and Owens

- 2

RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

SR 110. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO SENATE BILL 524 AND SENATE BILL 525.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and the Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following important constitutional question which has arisen concerning the pending bills, Senate Bill 524 and Senate Bill 525, copies of which are attached to this resolution and made a part hereof by reference:

(1) Senate Bill 524 permits active members of the Employees' Retirement System who are employees of the Alabama State Docks, including those persons paid from the "L-Payroll," to purchase credit with the Employees' Retirement System for prior service with the state docks for which the member has been credited with another pension plan. To receive this benefit, the member must waive all benefits attributed to the years purchased that he or she may have qualified for under any other existing plan.

(2) Senate Bill 525 provides that all employees of the Alabama State Docks at Mobile would be merit system employees except those employees of the Terminal Railroad at the state docks who are subject to the Federal Railway Labor Act and the Railroad Retirement Act. This bill would include certain employees currently subject to a collective bargaining agreement or on a specified special payroll. This bill expressly prohibits any collective or negotiated bargaining of benefits by any employee covered under the state merit system. This bill would allow the purchase of credit in the Employees' Retirement System for prior service with the state docks that an employee has received credit for in another pension plan if the employee agrees to waive all of the benefits attributed to those years which he or she may have qualified for

under the other plan. This bill requires that certain state officials expedite its implementation and exempts certain procedures of these officials from the Administrative Procedure Act.

Are Senate Bill 524 and Senate Bill 525 unconstitutional pursuant to the United States Constitution, Article 6, Clause 2, because the Railway Labor Act, 45 USC 151 et seq (1988), has preempted the State of Alabama from legislating new conditions of employment for employees of the Alabama State Docks who are subject to a collective or negotiated bargaining agreement?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bills, Senate Bill 524 and Senate Bill 525, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Bedsole, the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SB 437

The Senate proceeded to further consideration of the Bill:

S. 437. To provide further for certain sales tax exemptions, to amend Section 40-23-4, Code of Alabama 1975.

having been substituted by the Bill, HB 397, on the Twenty-Fourth Legislative Day, was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 437, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 397, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nay: Senator Floyd

- 1

FURTHER CONSIDERATION OF HB 397

The Senate proceeded to further consideration of the Bill:

H. 397. To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

having been postponed on the Twenty-Fourth Legislative Day, was taken up.

And said Bill, HB 397, was read a third time at length and passed.

Yeas 13 Nays 3
Abstaining 2

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Foshee, Hale, Hill, Horn, Langford, Mitchell, and Owens -13

Nays:

Senators:

Amari, Floyd, and Lindsey - 3

Abstaining:

Senators:

Figures and Little - 2

FURTHER CONSIDERATION OF SB 555

The Senate proceeded to further consideration of the Bill:

S. 555. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

having been postponed on the Twenty-Fourth Legislative Day, was taken up.

On motion of Senator Lindsey, the Rules were suspended and further consideration of the Bill, SB 555, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, HB 768.

Senator Lindsey, B.I.R., HB 768, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 768. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nays:

- 0

FURTHER CONSIDERATION OF SB 201

The Senate proceeded to further consideration of the Bill:

S. 201. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

as amended, which said amendment is set out in the Journal of the Senate, and having been postponed on the Twenty-Fourth Legislative Day, was taken up.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, SB 201, as amended, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the Bill, HB 165.

Senator Dial, B.I.R., HB 165, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 165. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

was taken up.

Senator Dial offered the following substitute for the Bill, HB 165, to-wit:

SUBSTITUTE FOR HB 165**A BILL
TO BE ENTITLED
AN ACT**

To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to institute programs that will make Alabama more competitive with other states in the recruitment and retention of physicians and reduce inequities that a small or rural hospital and small or rural communities have in the funding and recruitment of physician services.

Section 2. For the purposes of this act, the following words have the following meanings:

(1) **RURAL PHYSICIAN.** A physician licensed to practice medicine in Alabama who practices and resides in a small or rural community and has admission privileges to a small or rural hospital.

(2) **SMALL OR RURAL COMMUNITY.** A community in Alabama that has less than 25,000 residents according to the latest decennial census and has a hospital with an emergency room.

(3) **SMALL OR RURAL HOSPITAL.** An acute care hospital that meets one of the following requirements:

a. Contains less than 105 beds and is located more than 20 miles, under normal travel conditions, from another acute care hospital located in Alabama.

b. Receives Medicare rural reimbursement from the federal government.

Section 3. Beginning with the 1994 tax year, a person qualifying as a rural physician shall be allowed a credit against the tax imposed by Section 40-18-2, Code of Alabama 1975, the sum of five thousand dollars (\$5,000). No credit shall be allowed to a rural physician who is, on the effective date of this act, practicing in a small or rural community. No credit shall be allowed to a physician who has previously practiced in a small or rural community unless, after the effective date of this act, that physician returns to practice in a small or rural community after having practiced in a large or urban community for at least three years. The tax credit may be claimed for not more than five consecutive tax years. The Department of Revenue shall promulgate any rules and regulations necessary to implement and administer the provisions of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nays: - 0

And said Bill, HB 165, as amended by the substitute, was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Waggoner -18

Nays: - 0

BILLS ON THIRD READING RESUMED

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill:

S. 544. To amend Section 25-5-50, Code of Alabama 1975,

relating to the Workers' Compensation Law, to remove the exception to the exemption for employers constructing single-family residences so that the workers' compensation law would only apply to employers constructing single-family residences who regularly employ more than 5 employees.

On motion of Senator Little, the Rules were suspended and further consideration of the Bill, SB 544, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., HB 850, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

The Standing Committee on Small Business reported the following substitute for the Bill, HB 850, to-wit:

SUBSTITUTE FOR HB 850

A BILL TO BE ENTITLED AN ACT

To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama

1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Sections 22-6-60, 22-6-61, 22-6-62, 22-6-63, and 22-6-64, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 2. (a) Sections 40-26B-40, 40-26B-41, 40-26B-42, 40-26B-43, 40-26B-44, 40-26B-45, 40-26B-46, and 40-26B-47, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 3. (a) For the purposes of this section the following words have the following meanings unless the context clearly indicates otherwise:

(1) **DISPROPORTIONATE SHARE HOSPITAL.** A hospital meeting the requirements of Section 1923 of the Social Security Act and other criteria adopted by the Alabama Medicaid Agency in its state plan for medical assistance under Title XIX of the Social Security Act.

(2) **FISCAL YEAR.** An accounting period of 12 months beginning on the first day of the first month of the state fiscal year.

(3) **HOSPITAL.** A facility, which is licensed as a hospital under the laws of the State of Alabama, provides 24-hour nursing services, and is primarily engaged in providing, by or under the supervision of doctors of medicine or osteopathy, inpatient services for the diagnosis, treatment, and care or rehabilitation of persons who are sick, injured, or disabled.

(4) **PUBLICLY-OWNED HOSPITAL.** A hospital created and operating under the authority of a governmental unit which has been established as a public corporation pursuant to Chapter 21 of Title 22 or Chapter 95 of Title 11, or a hospital otherwise owned and operated by a unit of local government.

(b) Any disproportionate share payment due a hospital shall be

paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama Medicaid Agency within 30 days of the due date, interest on the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

(c) In meeting its requirements under the Social Security Act that payments to hospitals will take into account the situation of disproportionate share hospitals, the agency shall, not later than the beginning of each fiscal year, promulgate regulations establishing the total amount of funds to be appropriated for each fiscal year by the agency for reimbursement, in accordance with its approved methodology, to disproportionate share hospitals other than state-owned teaching hospitals. In no event shall the total amount of funds appropriated for reimbursement to disproportionate share hospitals in accordance with and subject to the approved methodology be less than the disproportionate cap established by the Health Care Financing Administration.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 22nd day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Verna Hale, from Cullman, Alabama to the University of Montevallo Board of Trustees. She will be replacing Ms. Anne Bains as a representative of the 4th Congressional District, and her term will expire on January 19, 2005.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 22nd day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 22nd day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. George Wal-

ker, from Mobile, Alabama to the University of Montevallo Board of Trustees. He will be replacing Martha Kirkland as a representative of the 1st Congressional District, and his term will expire on January 19, 2005.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 22nd day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 22nd day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Michael E. Stephens, from Birmingham, Alabama to the University of Montevallo Board of Trustees. He will be replacing Mr. Guy Burns as an At Large member, and his term will expire on January 19, 2005.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 22nd day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Confirmations.

FURTHER CONSIDERATION OF HB 850

The Senate proceeded to further consideration of the Bill, HB 850, as amended by the substitute.

And said Bill, HB 850, as amended by the substitute, was read a third time at length and passed.

Yeas 29 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nay: Senator Amari

- 1

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 111. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Fifth Legislative day only.

	Page
S. 401	56
Unpaved roads, max. speed limit, 25 mph, Sec. 32-5A-171, 32-5A-173 am'd.	
S. 282	31
Penny Trust Fund, matching funds for special ed. trust and gen. fund, limits, procedure, Sec. 41-15A-5 repealed	
S. 546	155
Ad valorem tax, prop. subject to rent-to-own contracts, exempt, Sec. 40-9-1 am'd.	

S. 622	176
Workers' compensation, real estate agents under broker not considered employees, Sec. 25-5-50 am'd.	
S. 461	82
Pilots of ships and vessels, comp. incr., Sec. 33-4-48 am'd.	
S. 381	143
Public contracts, auction, colleges, and universities, 2-yr. colleges sealed bids, provided for, Sec. 41-16-123 am'd.	
H. 288	193
Health insurance claim forms, pharmacy billing and dentists, Sec. 27-1-16 am'd.	
H. 508	188
Driver's license, may be suspended upon conviction of cert. drug-related crimes	
S. 566	131
Foreclosure advertised notices of real prop., req. to incl. street address or nearest location	
S. 552	127
6th Jud. Cir. (Tuscaloosa Co.), add'l. cir. judgeship estab., powers, duties, comp.	
S. 569	138
Tax for relief of needy Confederate soldiers and sailors, portion of surplus to Alabama Veterans Foundation, Sec. 38-4-12 am'd.	
S. 202	21
Rural hospitals, exempt from certificate of need review condition re offering of cert. new services, Sec. 22-21-263 am'd.	
S. 133	53
Legislature, limitation on terms, consti. amend.	
S. 435	57
Judicial retirement system, cert. judges may purchase add'l. time, Sec. 12-18-6 am'd.	
S. 419	54
State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.	

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S. 525	123
State Docks, employees' merit system	
S. 320	67
District attys. may collect funds owed to st. and crime victims	
S. 17	165
Crime Victims Compensation Commission, membership incr., Sec. 15-23-4 am'd.	
S. 481	84
Recreational trail system estab. in Conservation and Natural Resources Dept., Rails to Trails Program estab., reclaim abandoned railroads	
S. 597	155
Gas dists. organized by municipalities, bd. of directors, fees for membs. and chair, Sec. 11-50-393 am'd.	
S. 360	69
Retired judge of probate allowed to participate in state employees health ins.	
S. 148	92
Forest products, severance tax, alt. method of levy, Sec. 9-13-82 am'd.	
S. 373	39
Family violence protection order enforcement provided	
S. 446	81
State employees, civil cause of action may be taken if employee reports a violation of st. law and detrimental action to the employee is taken as result	
S. 367	93
Cost-of-living increase to retirees of Employees' Retirement System	
S. 210	11
Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed	
S. 182	80
Law enforcement officers, cert. rights and privileges, receipt and processing of complaints	

H. 739	197
Underground Storage Tank Trust Fund, environmental transport fee estab., Secs. 22-35-1, 22-35-3 through 22-35-6 am'd.	
S. 445	122
Rescue units exempted from sales and use taxes, Sec. 40-23-5 am'd.	
S. 457	139
Insurance contracts, incl. HMOs, providing family coverage for newborns also shall incl. medically necessary early intervention care, Sec. 27-19-38 am'd.	
S. 349	41
Indigent defense services, contract counsel system, county use provided, Secs. 15-12-1 and 15-12-25, am'd.	
S. 337	49
Motor vehicles under retail installment or lease contracts, subleasing prohib. without consent, penalties	

On motion of Senator Hale, the Resolution was adopted by the Senate.

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Verna Hale to the University of Montevallo Board of Trustees

On motion of Senator Foshee, the appointment of Mrs. Hale was confirmed by the Senate.

Yeas 23 Nays 0
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, and Windom -23

Nays: - 0

Abstaining: Senator Hale - 1

BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., SB 401, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, deGraffenried, Denton, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Sanders, and Windom -19

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 401. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

And said Bill, SB 401, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 2

Yeas:

Senators:

Amari, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -20

Nays:

Senators:

Bailey and Barron

- 2

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 27th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Earl Goodwin, from Selma, Alabama to the University of South Alabama Board of Trustees. She will be representing the 30th District and her term will expire on September 30, 2005.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 27th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

BUDGET ISOLATION RESOLUTION

Senator Langford, B.I.R., SB 282, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, and Windom

-20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 282. Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies voluntarily contributed to the Penny Trust Fund; establishing procedures; designating the source and amounts of the

matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

was taken up.

Senator Langford offered the following substitute for the Bill, SB 282, to-wit:

SUBSTITUTE FOR SB 282

**A BILL
TO BE ENTITLED
AN ACT**

Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies deposited into the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "John L. Buskey Penny Trust Fund Matching Act of 1993."

Section 2. It is the intent of the Legislature to establish state matching monies for contributions received by the State Treasurer for the Penny Trust Fund. The state establishes these matching funds in honor of former Representative John L. Buskey of Montgomery, the House primary sponsor of the Penny Trust Fund in the 1989 Regular Session of the Legislature, and whose untimely death has taken a great advocate of health services for children and the elderly from the people of Alabama. It is the intent of the Legislature that matching monies shall be transferred to the Penny Trust Fund from the State General Fund and the Alabama Special Educational Trust Fund for those monies contributed to or deposited into the Penny Trust Fund. It is the intent of the Legislature that these monies shall be on a one-to-one match from both the State General Fund and the Alabama Special Educational Trust Fund.

Section 3. (a) The state shall provide matching funds from the Alabama Special Educational Trust Fund and the State General Fund for those monies that are deposited into the Penny Trust Fund during each fiscal year. At the beginning of each calendar year, the State Treasurer shall certify to the Director of Finance the amount of monies which have been deposited into the Penny Trust Fund during the preceding calendar year. At the end of the fiscal year, in which the certification is made, the Director of Finance shall transfer into the Penny Trust Fund an

amount equal to the amount certified from the Alabama Special Educational Trust Fund and an amount equal to the amount certified from the State General Fund. These matching funds shall be deposited into the Penny Trust Fund from each respective fund before any conditional funds are disbursed from the Alabama Special Educational Trust Fund or the State General Fund.

(b) The transfer shall not be made if the transfer causes either the Alabama Special Educational Trust Fund or the State General Fund to be prorated.

(c) The maximum amount of matching monies shall not exceed one hundred thousand dollars (\$100,000) from each fund.

(d) Matching funds shall be transferred to the Penny Trust Fund for the 1992-93 fiscal year based on Penny Trust Fund receipts for the 1992 calendar year.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed. Section 41-15A-5, Code of Alabama 1975, is specifically repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Wilson, and Windom -23

Nays:

- 0

And said Bill, SB 282, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

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Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis,
Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens,
Sanders, Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 546, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis,
Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens,
Sanders, Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 546. To amend Section 40-9-1, Code of Alabama 1975, relating to ad valorem tax exemptions, to exempt personal property being purchased through rent-to-own contracts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis,
Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens,
Sanders, Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 622, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis,
Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens,
Sanders, Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 622. To amend Section 25-5-50 of the Code of Alabama 1975, relating to the Workers' Compensation Law, to specify that a licensed real estate agent would not be considered an employee under certain circumstances for purposes of the law.

was taken up.

Senator Little offered the following amendment to the Bill, SB 622, to-wit:

AMENDMENT TO SB 622

Amend Senate Bill No. 622 Page 2 Line 4, as follows:

after the word "business," delete the comma (,) and insert in lieu thereof a semi-colon (;) and delete the remainder of line 4; delete all of line 5; and delete line 6 up through the semi-colon (;).

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -20

Nays:

- 0

And said Bill, SB 622, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -20

Nays:

- 0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, SB 622, as amended was passed, and further moved that

the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 461, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom
-20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 461. To amend Section 33-4-48, Code of Alabama 1975, relating to compensation of pilots of ships and vessels; and to increase certain compensation paid to pilots.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson
-26

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with

certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 640. Amending Section 10 of Act No. 30, H. 6, 1975 Regular Session (Acts 1975, p. 251), as last amended by Act No. 90-464 (Acts 1990, p. 660), to provide further for distribution of proceeds from certain sales and use taxes to the Health Care Authority of Cullman County.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 564. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as

amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 617. Relating to Class 2 municipalities; to provide Class 2 municipalities and certain public corporations with certain powers to operate hotels and related facilities.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 594. Relating to Calhoun County; providing that the Calhoun County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 592. Relating to Greene County; to amend Section 17 of Act

No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 618. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 658. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 381, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 381. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by a state college or university, including two-year colleges, and to provide for the disposition pursuant to an agreement between the division of property and colleges or universities by free and open competitive public auction or sealed bids.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom
-24

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., HB 288, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom
-24

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 288. To amend Section 27-1-16, Code of Alabama 1975, relating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:**Senators:**

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

THE BILL:

H. 508 To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 508, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 566, adopted.

Yeas 24 Nays 0

Yeas:**Senators:**

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 566. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property; and to provide that this act is cumulative to any of the notice and recording requirements for instruments.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

**REGULAR SESSION
25th Day**

1447

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 552, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 552. To create a new circuit judgeship in the Sixth Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., SB 569, adopted.

Yeas 28 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -28

Nay: Senator Little

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 569. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

was taken up.

COMMUNICATION FROM THE SUPREME COURT

Members of the Senate
Alabama State House
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution 97, which requests our opinion as to whether the finding in Section One of Senate Bill 607 ("S. 607") (the finding that the Legislature is required to provide school-children with substantially equitable and adequate educational opportunities) is constitutionally required. Section One of S. 607 reads as follows:

"Section 1. The Legislature finds that it is constitutionally required to comply with the order of the circuit court in the consolidated cases of Alabama Coalition for Equity, Inc. v. Hunt, CV-90-883-R, and Harper v. Hunt, CV-91-117-R, to wit:

"'1. That, pursuant to Ala. Const. Art I, §§ 1, 6, 13 and 22 and Art. XIV, § 256, Alabama school-age children, including children with disabilities, have and enjoy a constitutional right to attend school in a liberal system of public schools, established, organized, and maintained by the state, which shall provide all such schoolchildren with substantially equitable and adequate educational opportunities.

"'2. That the essential principles and features of the "liberal system of public schools" required by the Alabama Constitution include the following:

"a. It is the responsibility of the state to establish, organize, and maintain the system of public schools.

"b. The system of public schools shall extend throughout the state.

"c. The public schools must be free and open to all school-children on equal terms.

"d. Equitable and adequate educational opportunities shall be provided to all schoolchildren regardless of the wealth of the communities in which the schoolchildren reside.

"e. Adequate educational opportunities shall consist of, at a minimum, an education that provides students with opportunity to attain the following:

"(i) Sufficient oral and written communication skills to function in Alabama, and at the national and international levels, in the coming years.

"(ii) Sufficient mathematic and scientific skills to function in Alabama and at the national and international levels, in the coming years.

"(iii) Sufficient knowledge of economic, social, and political systems generally, and of the history, politics, and social structure of Alabama and the United States, specifically, to enable the student to make informed choices.

"(iv) Sufficient understanding of governmental processes and of basic civic institutions to enable the student to understand and contribute to the issues that affect his or her community, state, and nation.

"(v) Sufficient self-knowledge and knowledge of principles of health and mental hygiene to enable the student to monitor and contribute to his or her own physical and mental well-being.

"(vi) Sufficient understanding of the arts to enable each student to appreciate his or her cultural heritage and the cultural heritages of others.

"(vii) Sufficient training, or preparation for advanced training, in academic or vocational skills, and sufficient guidance, to enable each child to choose and pursue life work intelligently.

"(viii) Sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in

Alabama, in surrounding states, across the nation, and throughout the world, in academics or in the job market.

“(ix) Sufficient support and guidance so that every student feels a sense of self-worth and ability to achieve, and so that every student is encouraged to live up to his or her full human potential.

”3. That pursuant to Ala. Code §§ 16-39-3 and 16-39A-2, Alabama schoolchildren with disabilities aged 3-21 have the right to appropriate instruction and special services.

”4. That the present system of public schools in Alabama violates the aforesated constitutional and statutory rights of plaintiffs.

”5. That the state officers charged by law with responsibility for the Alabama public school system, are hereby enjoined to establish, organize, and maintain a system of public schools that provides equitable and adequate educational opportunities to all school-age children, including children with disabilities, throughout the state in accordance with the constitutional mandates of Ala. Const. Art. XIV, § 256; Art. I, §§ 1, 6, and 22; and to provide appropriate instruction and special services to children with disabilities aged three through twenty-one pursuant to Ala. Code §§ 16-39-3 and 16-39A-2.”

As stated above, S. 607 was introduced in response to the finding of the Circuit Court of Montgomery County in the consolidated cases of Alabama Coalition for Equity, Inc. v. Hunt (CV-90-883) and Harper v. Hunt (CV-91-117). For a better understanding of the question presented and in view of the fact that S. 607 makes reference to the order, we directed the clerk of this court to obtain a certified copy of the order issued in the consolidated cases. See Rule 10(f), Ala. R. App. P.; Amendment 328, §§ 6.02, 6.11, Ala. Constitution of 1901. In your request you refer to this order, which is attached as an appendix to, and made a part of, this opinion. This order is not presently appealable, because the trial court has retained jurisdiction in order to address other aspects of this litigation. However, the trial court has, in an exhaustive opinion, addressed the constitutional issues that were raised in that court and that are the subject of your request for an advisory opinion.

The Justices typically refuse to answer questions involving matters that are the subject of pending litigation. The question posed by Senate Resolution 97, however, is of great importance to the people of the State of Alabama and to the Legislature, and your request for an Advisory Opinion indicates that you are interested in promptly addressing the matters required to be addressed by the order of the circuit court in the two consolidated cases.

Because the legal issues presented in those cases could be raised

on appeal, provided an appeal should be taken within the time provided for by Rule 4, Ala. R. App. P., we deem it both appropriate and advisable that we call your attention to some of the principles of law that govern us as we respond to your inquiry.

The statute authorizing the Justices of this Court to render advisory opinions, but not requiring them to do so, was enacted into law in 1923, and is carried in the 1975 Alabama Code as § 12-2-10. When the first request for an advisory opinion was made to the Justices in 1923, a majority of them found that the original act was constitutional, but the Justices set forth the following principles that guided them, and continue to guide us, when we express our individual opinions as authorized by the Advisory Opinion Act:

"(1) Interpreting the act according to its manifest effects, these conclusions must, of necessity prevail: (a) That the act does not at all contemplate the advice or the advisory opinions of the Justices upon any matter relating to the wisdom, desirability, or policy of prospective legislative or executive action; (b) that the merely advisory opinions contemplated are those of the individual Justices, not of the Supreme Court of Alabama in its judicial capacity; (c) that specific inquiries, within the intent of the act, must involve or concern concrete, important constitutional questions upon matters or subjects of a general public nature, as distinguished from questions involved in the ascertainment or declaration of private right or interest; (d) and that responses to questions within the purview of the act are designed to be advisory, consultative only, not concluding or binding the Governor or the House or Houses propounding inquiries or the Justices responding thereto."

Opinion of the Justices No. 1, 209 Ala. 593, 594, 96 So. 487 (1923).

Since the Justices issued their opinions on that first request, the Justices have responded conscientiously to many requests from the Legislature, "in deference to the executive and legislative departments of the state in order to guide them in the proper dispatch of their duties." Opinion of the Justices No. 160, 266 Ala. 370, 371, 96 So.2d 752, 753 (1957). See also, Opinion of the Justices No. 274, 394 So.2d 957, 959-60 (Ala. 1981).

Because the question you pose is one of great public interest, and because the question raises a question of fundamental constitutional law relating to the separation of powers of government, we elect to express our opinion on the question you ask, but we must point out, as we did on another occasion when the Legislature asked for the opinion of the Justices on the constitutionality of pending legislation while the basic constitutionality of the same Act was being raised on appeal in an adversary setting: "[T]he procedure, as well as the advisability, of rendering advisory opinions is not without difficulty, particularly in view

of the fact that the questions are presented outside the normal adversary system wherein pertinent facts from the record of a trial court would be presented, and the issues would be briefed by attorneys and most times orally argued before the Court." Opinion of the Justices No. 289, 410 So.2d 388 at pages 391-92 (Ala. 1982).

As the Justices said in Opinion No. 289, when they were asked to express their separate opinions on the constitutionality of the budget isolation bill, while the constitutionality of the legislation was being raised in a case on appeal, "It is also instructive to note that advisory opinions are not binding precedents as are decisions on appeal to this Court." 410 So.2d at 392.

With those principles firmly in our minds, we now express our opinion on your request, that is, whether the Legislature is required to comply with the order of the circuit court in the consolidated cases. Our opinion is that the order has the force of law unless modified by the trial court, until it is modified or reversed on appeal, and the Legislature, like other branches of government, must comply with it.

Under our State constitution, "[t]he powers of the government of the State of Alabama [are] divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another." Art. III, § 42.

The executive and legislative branches of the State have broad powers and responsibilities in the area of public education, but the powers of each branch of government are bounded by the mandates and restraints of the constitution of the State of Alabama. This principle of separation of powers of government that is now included in the Alabama constitution was first decided in the famous case of Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176-77 (1803). It is the province and duty of the judicial branch of government to interpret the constitution and to say what the law is, and an order issued by a court of competent jurisdiction that interprets the constitution is binding upon the Legislature unless the order is stayed or overturned by a higher court.

Under the provisions of Amendment 328, Section 6.04, "[t]he circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law." Included within the general jurisdiction of the circuit court is the power to decide whether the actions of the executive or legislative branches are consistent with the requirements of the fundamental law of the people--their constitution. In short, the circuit court has the power, and indeed the duty, when requested to do so in cases involving justiciable controversies, to interpret the constitution, and its interpretation, unless changed by a competent court having the power to overturn it, must be accepted and followed. See, 21 C.J.S. Courts § 3, pp. 11-12 (1940).

Your inquiry, as we understand it, is whether the Legislature is required to follow the order of the Circuit Court of Montgomery County in the consolidated cases referenced above. Our answer, based upon the principles set out herein, is yes.

Respectfully submitted,

SONNY HORNSBY,
Chief Justice.

HUGH MADDOX,
RENEAU P. ALMON,
JANIE L. SHORES,
OSCAR W. ADAMS, JR.,
GORMAN HOUSTON,
HENRY B. STEAGALL, II,
KENNETH F. INGRAM,
Justices.

OPINION RENDERED

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 97, was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 282. Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies deposited into the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 569

The Senate proceeded to further consideration of the Bill, SB 569.

On motion of Senator Denton the Rules were suspended and further consideration of the Bill, SB 569, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 202, adopted.

Yeas 17 Nays 6

Yeas:

Senators:

Barron, Bolling, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, and Waggoner -17

Nays:

Senators:

Amari, Bailey, Dixon, Parsons, Sanders, and Windom - 6

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 202. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

was taken up.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, SB 202, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 133, adopted.

Yeas 23 Nays 4

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Parsons, Sanders, Waggoner, and Windom -23

Nays:

Senators:

Corbett, Foshee, Langford, and Lindsey - 4

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 133. Proposing an amendment to Section 46 of the Consti-

tution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

was taken up.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 133, was postponed temporarily.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 622. To amend Section 25-5-50 of the Code of Alabama 1975, relating to the Workers' Compensation Law, to specify that a licensed real estate agent would not be considered an employee under certain circumstances for purposes of the law.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., SB 435, adopted.

Yeas 23 Nays 2

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson

-23

Nays:

Senators:

Little and Windom

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 435. Relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals, and judges of circuit courts; amending Section 12-18-6, Code of Alabama 1975, to reopen the

Judicial Retirement Fund to allow certain judges to purchase additional prior service credit.

was taken up.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Department.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 27th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Kenneth McCartha, from Montgomery, Alabama to serve as the Superintendent of the State Banking Department.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 27th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of the Superintendent of the State Banking Department, was read and referred to the Standing Committee on Confirmations.

FURTHER CONSIDERATION OF SB 435

The Senate proceeded to further consideration of the Bill, SB 435.

And said Bill, SB 435, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 7

Yeas:

Senators:

Bolling, Denton, Ellis, Escott-Russell, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, and Wilson -16

Nays:

Senators:

Bailey, Barron, Bedsole, Floyd, Hill, Little, and Windom - 7

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 419, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 419. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

was taken up.

On motion of Senator Windom, the Rules were suspended and he was granted permission to take up the Bill, HB 519, in place of the Bill, SB 419.

On motion of Senator Windom, the Rules were suspended and further consideration of the Bill, SB 419, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 519, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 519. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

was taken up.

Senator Windom offered the following substitute for the Bill, HB 519, to-wit:

SUBSTITUTE FOR HB 519**A BILL
TO BE ENTITLED
AN ACT**

Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan; to create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, are amended to read as follows:

"§5-21-2.

"The legislative purpose and intent of this chapter is to create a plan for emergency interim deposits as herein defined and for linked deposits in this state in which the state treasurer is authorized to deposit or invest a portion of the state's portfolio of investments with participating lending institutions in relatively low-yielding deposit accounts, certificates of deposit, or other authorized investments, where such the institutions have made commitments to make available lower cost loans on the basis of these linked deposits for qualifying private farm and small business borrowers, or for qualifying applicants to state sponsored housing assistance programs. The further legislative intent is that such lower cost loans will result in a significant contribution to the economic and agricultural growth and development of the state, and will assist in maintaining or improving business and agricultural profitability as well as preserving and creating jobs for Alabama citizens."

"§5-21-3.

"For purposes of this chapter, the following terms shall have the meaning hereinafter ascribed to them, unless the context clearly indicates otherwise:

"(1) PLAN. The Wallace plan for linked deposits, created in section 5-21-4 hereof.

"(2) TREASURER. The treasurer for the state of Alabama.

"(3) LENDING INSTITUTION or ELIGIBLE LENDING INSTITUTION or LENDER. All state banks, savings and loan associations, and any other lending institutions of this state which are or shall become a depository of state funds, which agree to participate in a linked deposit plan.

"(4) LINKED DEPOSIT or LINKED DEPOSIT PLAN. An agreement between the treasurer and an eligible lending institution whereby a deposit is placed with the institution at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of such the deposit to eligible agricultural and business operations, and state sponsored housing assistance program participants, at a correspondingly reduced rate of interest, as hereinafter provided.

"(5) ELIGIBLE AGRICULTURAL OPERATION. Any person, corporation, partnership, or other entity which is engaged in the production of agricultural, livestock, poultry, timber, dairy, or fruit or other horticultural products and which:

"a. derives at least 70 percent of its gross income from such production; and

"b. operates exclusively in Alabama.

"(6) ELIGIBLE BUSINESS OPERATION. Any person, proprietor, corporation, partnership or other entity which:

"a. is headquartered in Alabama;

"b. is organized for profit;

"c. maintains facilities exclusively in Alabama;

"d. has no more than 150 employees at the time it applies for a loan under the plan;

"e. for loans of ~~\$250,000.00~~ two hundred fifty thousand dollars (\$250,000) or less, demonstrates to the lending institution that a significant number of jobs are sustained or created as a result of the loan; and

"f. for loans in excess of ~~\$250,000.00~~ two hundred fifty thousand dollars (\$250,000), demonstrates to the lending institution that for each ~~\$10,000.00~~ ten thousand dollars (\$10,000) worth of loan proceeds approved, at least one new job is created within the state.

"(7) EMERGENCY INTERIM DEPOSITS. Deposits discretionarily made by the treasurer in support of loans made by eligible lending institutions to persons, businesses, organizations, or local governments which have suffered loss, and which are located in areas in which property loss has occurred due to fire, flood, tornado, hurricane or other act of God, or other natural or man-made disaster.

"(8) STATE SPONSORED HOUSING ASSISTANCE PROGRAMS. Those programs established by the Treasurer, either independently or in conjunction with other state agencies, designed to assist qualified applicants with housing, including home ownership, and operated in conjunction with this chapter."

"§5-21-4.

"(a) The Wallace plan for linked and emergency interim deposits, hereinafter referred to as "the plan" is ~~hereby~~ created. The state treasurer is authorized, effective April 7, 1988, and until September 30, 1995, to use up to ~~42~~ 15 percent of the total amount of investment funds of the state portfolio for the plan as linked deposits for eligible loans or for emergency interim deposits, as herein defined, made at the treasurer's discretion.

"(b) The term of any emergency interim deposit shall not exceed one year, and the deposit shall be made at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of ~~such~~ the deposit at a correspondingly reduced rate of interest.

"(c) The term of any linked deposit made to support a loan made to a qualifying applicant to a state sponsored housing assistance program shall not exceed five years."

"§5-21-9.

"The treasurer shall establish procedures and other requirements for participation in the plan, and shall provide simplified rules and loan application forms to the participating lending institutions for linked deposit loans. ~~Such~~ The forms shall reflect the specific requests for information required by this chapter for eligible agricultural, ~~and business, and housing~~ loans, respectively. Upon completion of any application for a loan pursuant to the plan, the lender shall send the application to the treasurer who shall either approve or reject the application in a timely manner. If approved, the treasurer shall deposit funds with the lender in accordance with the established procedures, and ~~said the~~ deposits shall be secured in accordance with ~~the provisions of~~ section 41-14-35."

Section 2. (a) As used in this section, the following words shall have the following meanings ascribed to them:

(1) AUTHORITY. The Alabama Indian Housing Authority.

(2) COMMISSION. The Alabama Indian Affairs Commission created under Sections 41-9-708 to 41-9-717, inclusive, of the Code of Alabama 1975.

(3) INDIAN AREAS. Any area within the state which is situated outside the corporate boundaries of cities or towns existing at the time of passage of the legislation, unless those cities and towns are designated by AIAC (Alabama Indian Affairs Commission) as being areas where significant Indian population exists, and which have been determined and designated formally by the AIAC to be areas which are both:

a. Are considered historically to be inhabited by Indians.

b. Are areas where Indian families are not presently being served by existing housing authorities.

(4) PROJECT. Any low-rent housing hereafter developed or

acquired by the authority with financial assistance of the United States of America acting through the Secretary of Housing and Urban Development.

(b) There is created and established an Indian housing authority for the jurisdiction of the State of Alabama, to be styled the Alabama Indian Housing Authority. Its purpose shall be to provide safe and decent dwelling places for low-income persons and families in Indian areas.

The authority shall consist of five members who shall be appointed by the commission from nominations submitted to the commission from the tribal councils of the following tribal governments:

- (1) Cherokees of Southeast Alabama.
- (2) Cherokees of Northeast Alabama.
- (3) Echota Cherokees.
- (4) Machis Creeks.
- (5) Star Clan of Muscogee (Creeks).

No person shall be barred from serving as a member of the authority because the person is a tenant or home buyer in a tribal housing project.

Members of the authority shall serve a term of three years from their appointment, and may serve an unlimited number of terms. In the event of a vacancy on the authority, the commission shall appoint a successor to fill the unexpired term.

The authority shall select from among its members a chair, a vice-chair, and a secretary-treasurer. No member shall hold simultaneously two offices within the authority. The chair shall preside at meetings of the authority. The vice-chair shall preside in the absence of the chair. In the absence of both the chair and vice-chair, the secretary-treasurer shall preside.

The commission may remove any member of the authority for neglect of duty, inefficiency, or misconduct in office, but only after a hearing before the authority, and only after the member has been given a written notice of the charges at least 10 days prior to the hearing. At the hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses.

Three members shall constitute a quorum for the conduct of business of the authority.

The principal place of business of the authority is Montgomery County, Alabama. Meetings of the authority may be held at other locations within the state upon notification of the members by certified mail, at least 10 days prior to the meeting date.

The authority may hire an executive director and such other personnel as may be necessary to administer the provisions of this section. The executive director shall serve at the pleasure of the authority.

(c) The authority may:

(1) Undertake research and studies and analyses of housing needs in the State of Alabama, and the means by which such needs may be met, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rental and sales prices, and employment, wage and other factors affecting the local housing needs and the meeting thereof, and make the results and analyses available to the public and the building, housing, and supply industries.

(2) Enter into contracts with cities, towns, counties, and other housing authorities in the state for the purpose of carrying out this section.

(3) Establish rentals and select tenants in low-income rental housing projects under its jurisdiction.

(4) Issue bonds, notes, and other evidence of indebtedness for the purpose of financing the construction of housing for low-income persons pursuant to Title 24, Code of Federal Regulations Part 905 Indian Housing: Revised Consolidated Program Regulations; Interim Rule.

(5) Obtain, rent, lease, or otherwise obtain from any county, city, or state, properties of the public bodies as are offered for use to the authority for the purpose of providing housing to low-income persons and families in Indian areas.

(6) Enter into contracts and agreements with agents of the federal government for the purpose of purchasing land, acquiring, constructing, renovating, providing streets, utilities, and landscaping grounds for rental and other housing for low-income persons and families in designated Indian areas.

(7) Exercise any additional powers, rights, and functions specified for municipal housing authorities created under sections 24-1-20 to 24-1-45, inclusive, Code of Alabama 1975. All laws applicable to

housing authorities created under Title 24, Code of Alabama 1975, for municipalities and the commissioner of the authorities shall be applicable to the authority, unless a different meaning clearly appears from the context.

The commission may exercise all appointing and other powers with respect to an Indian housing authority that are vested in the chief executive officer and governing body of a municipality under Title 24, Code of Alabama 1975, with respect to municipal housing authorities.

Rentals and tenant selection associated with projects of the authority shall be in accordance with Title 24, Code of Alabama 1975, with respect to municipal housing authorities.

(d) Subject to the limitations of this section, the authority may operate anywhere in the State of Alabama that is an Indian area. The authority shall not undertake any housing project or projects within the area of operation of any city, county, or regional housing authority unless a resolution is adopted by the city, county, or regional housing authority declaring that there is a need for the authority to exercise its powers within the city, county, or regional housing authority's area of operation.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 519, as amended by the substitute, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Kenneth McCartha as the Superintendent of the State Banking Department

On motion of Senator Foshee, the appointment of Mr. McCartha was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 525, adopted.

Yeas 11 Nays 6
Abstaining 1

Yeas:

Senators:

Corbett, deGraffenried, Escott-Russell, Figures, Ghee, Langford, Lindsey, Lipscomb, Parsons, Smith (J), and Windom -11

Nays:

Senators:

Bailey, Barron, Bolling, Dial, Dixon, and Ellis - 6

Abstaining: Senator Bedsole

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 525. Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to make those employees members of the state merit system to authorize persons who are employed under collective

bargaining agreements at the Alabama State Docks of Mobile to choose to be state employees, except the employees of the Terminal Railroad at the Alabama State Docks (referred to as TRASD) who are subject to the federal Railway Labor Act and the Railroad Retirement Act; to authorize the Directors of the State Personnel Department and the Chief Executive Officer of the Employees' Retirement System of Alabama to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees covered under the employees' retirement system.

was taken up.

Senator Figures offered the following substitute for the Bill, SB 525, to-wit:

SUBSTITUTE FOR SB 525

A BILL TO BE ENTITLED AN ACT

Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to authorize certain persons who are employed under collective bargaining agreements at the Alabama State Docks of Mobile to become state employees, except the employees of the Terminal Railroad at the Alabama State Docks (referred to as TRASD) who are subject to the Federal Railway Labor Act and the Railroad Retirement Act; to allow employees to purchase credit under the Employees' Retirement system under certain guidelines and conditions for prior service credit with the Alabama State Docks; to authorize the Director of the Alabama State Docks at Mobile, the Director of the State Personnel Department, the Commissioner of the State Insurance Board, and the Chief Executive Officer of the Employees' Retirement System of Alabama to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees electing coverage under the state merit system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature of Alabama finds that the Alabama State Docks Department at Mobile is a department of the State of Alabama. The Legislature further finds that although the department may or may not receive funds through the appropriation process for compensation of its employees and although monies for state employee compensation may be funded from the Alabama State Docks De-

partment's operating revenues, monies from a general undesignated appropriation from the Legislature, or from monies otherwise generated by its facilities authorized by acts of the Legislature and constitutional amendments, nevertheless, certain employees of the Alabama State Docks Department's Mobile facilities are employees of the State of Alabama and are entitled to state employee benefits. The Legislature further finds that those employees defined in Section 2 who are compensated pursuant to collective bargaining agreements, or those employed on another basis, as defined therein, should receive state employee benefits. The Legislature further finds that when those currently covered under a collective bargaining agreement receive the benefits granted under this act then those employees and their agents or representatives and the department shall be prohibited from making any changes which are inconsistent with the state merit system law. Also, the Legislature finds that any changes subsequent to the passage of this act that apply to any benefits of state merit system employees should also apply to all employees of the state docks facilities, as defined by this act, on the same effective date.

Section 2. As used in this act, "employee of the state docks at Mobile" means every person employed by the Alabama State Docks Department on a full-time or permanent part-time basis at the Alabama State Docks facilities at Mobile who receives compensation payable directly from state funds, including but not limited to certain persons currently subject to a collective bargaining agreement or those paid from the special payroll designated as the "L-Payroll." The term does not include a person employed on a temporary basis, or an independent contractor, or those employees of the Terminal Railroad at the Alabama State Docks who are subject to the Railway Labor Act and the Railway Retirement Act or the Director, or Assistant Director of the Alabama State Docks.

Section 3. Employees of the state docks at Mobile, as defined in Section 2 of this act shall become members of the state merit system, subject to all the same rights and benefits as other state merit system employees.

Section 4. Any employee as defined in Section 2 of this act is eligible to purchase any prior service credit for any prior years service with the state docks if he or she pays into the Employees' Retirement System on or before his or her date of retirement, an amount of five percent of the member's actual compensation for each year of prior service purchased, plus eight percent compounded interest thereon through the date of repayment. Prior service may be purchased in yearly increments. At the same time that the employee makes his or her payment for the prior service credit, the Alabama State Docks shall remit to the Employees' Retirement System the employer's share of the cost for the prior service credit being purchased, plus eight percent com-

pounded interest thereon through the date of repayment, as determined by the actuary for the system as follows: Said employer cost shall be the actual employer rate for each year of prior service credit purchased multiplied by the actual compensation for the year plus the aforementioned interest calculations.

Section 5. An employee purchasing prior service credit under this act shall waive any and all present and future benefits which he or she has qualified to receive under any federal railroad retirement laws, any collective bargaining agreements, or any other pension plans offered by the Alabama State Docks which is based on any prior year purchased, i.e. for any year purchased, that year will not count towards the vesting period of any prior pension plan nor shall it count towards increasing any benefit to be paid from any prior purchase plan. Failure to waive those benefits shall render a member ineligible to purchase any prior service credit in the Employees' Retirement System under this act.

Section 6. The State Director of Personnel shall furnish the Alabama State Docks Department with all necessary forms and shall institute within the merit system a pay schedule applicable to employees of the state docks at Mobile, regardless of the method or basis of compensation, which shall correspond with or be in addition to the pay schedule for the state employees and as may be revised from time to time by the State Personnel Department or by statute. Regardless of the pay schedule adopted, no existing employee of the state docks at Mobile shall be dismissed or have his or her work hours or salary reduced due to any provisions of this act.

An employee transferring from the hourly classification at the Alabama State Docks Department to the state merit system under the provisions of this act does not mandate said employee to work a 40 hour week even though he or she will be paid bi-weekly under the merit system pay plan.

Section 7. The Employees' Retirement System of Alabama, the State Personnel Department, the State Insurance Board, and the Alabama State Docks Department shall expedite the implementation of this act. To that extent, the Chief Executive Officer of the Employees' Retirement System of Alabama and the State Director of Personnel may make rules and regulations exempt from the requirements of the Alabama Administrative Procedure Act for the purposes of this act. It is the intent of this act that employees shall be members of the Employees' Retirement System of Alabama and be covered by the state insurance plan by September 1, 1993.

Section 8. All employees defined in Section 2 of this act shall receive the same employee and family health insurance benefits that the current Alabama State Docks Department merit system employees receive pursuant to Code of Alabama 1975, Section 33-1-5.2.

Section 9. Any accumulated leave earned while working as an hourly employee at the Docks Department shall be carried over and added to that persons account under the provisions computed bi-weekly pursuant to Code of Alabama 1975, Section 36-26-35. Upon passage of this act annual leave shall be based upon the employees total years of employment with the state docks.

Section 10. Should any federal administrative agency or any court of competent jurisdiction determine that any group of employees covered by the provisions of this act are subject to collective bargaining, or any other provision of federal law that would require negotiated benefits for these employees, then the provisions of this act as it relates to those employees' coverage under the Employees' Retirement System or the state employees health insurance plan are hereby invalid. It is the intent of this legislation that no collective or negotiated bargaining of benefits by any employees covered under the state merit system shall be required or permitted under any circumstances. Any collective bargaining agreement in effect on the date this act shall become law shall be superseded by the terms and benefits provided for under the provisions of this act.

Section 11. The State Personnel Department shall evaluate and classify the functions and performances of all employees of the state docks at Mobile.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 14 Nays 1

Yeas:

Senators:

Bailey, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Lipscomb, Mitchem, and Windom -14

Nay: Senator Barron

- 1

The President Pro Tempore and Presiding Officer declared a quorum present but not voting.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Jacksonville State University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 27th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Bob Kennamer, from Anniston, Alabama to the Jacksonville State University Board of Trustees. He will be representing the 3rd Congressional District and his term will expire on December 28, 2003.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 27th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Jacksonville State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Jacksonville State University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 27th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Pete Matthews, from Ashland, Alabama to the Jacksonville State University Board of Trustees. He will be representing the 3rd Congressional District and his term will expire on December 28, 2003.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 27th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Jacksonville State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

FURTHER CONSIDERATION OF SB 525

The Senate proceeded to further consideration of the Bill, SB 525, as amended by the substitute.

Senator Barron moved that the Rules be suspended and further consideration of the Bill, SB 525, be postponed temporarily.

Senator Figures moved that the motion to postpone be laid on the table, which motion was lost.

The question recurred on the Barron motion that the Rules be suspended and further consideration of the Bill, SB 525, as amended by the substitute, be postponed temporarily, which motion was adopted.

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 320, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Mitchell, Owens, Sanders, Wilson, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 320. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 87. To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 373. MOURNING THE DEATH OF JACK CAPPS.

Also:

HJR 374. COMMENDING THE ALABAMA POWER COMPANY AND ITS EMPLOYEES FOR THEIR EFFORT DURING THE BLIZZARD OF 1993.

Also:

HJR 375. COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL FOR BEING NAMED AN ALABAMA BLUE RIBBON SCHOOL.

Also:

HJR 376. COMMENDING THE E. B. ERWIN HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

Also:

HJR 377. NAMING THE EXPERIMENTAL NURSERY AND BUILDING AT WALLACE STATE COMMUNITY COLLEGE AT HANCEVILLE IN HONOR OF MR. JACK HOPPER.

Also:

HJR 378. CONGRATULATING WILLIAM ELTON REECE FOR HIS INDUCTION INTO THE LIVINGSTON UNIVERSITY ATHLETIC HALL OF FAME.

Also:

HJR 379. COMMENDING THE EMPLOYEES OF THE DALLAS COUNTY DEPARTMENT OF HUMAN RESOURCES FOOD STAMP PROGRAM FOR SUCCESSFULLY LOWERING THE PAYMENT ERROR RATE DURING THE 1991 FISCAL YEAR.

Also:

HJR 380. COMMENDING THE MEADOWVIEW CHRISTIAN TROJANS FOR BEING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A RUNNER-UP IN FOOTBALL.

Also:

HJR 382. COMMENDING CARA CROSSLIN OF MUSCLE SHOALS HIGH SCHOOL UPON BEING SELECTED BY THE TIMESDAILY AS 4A-6A PLAYER OF THE YEAR IN GIRLS' BASKETBALL FOR AREA 15.

Also:

HJR 390. COMMENDING THE REVEREND CHARLES BURNETTE CRADDOCK.

Also:

HJR 392. EXTENDING CONGRATULATIONS TO THE HONORABLE STEVE FLOWERS OF TROY, ALABAMA, AND MISS BARBARA BEAR OF MONTGOMERY, ALABAMA, ON THEIR ENGAGEMENT AND UPCOMING MARRIAGE IN JUNE 1993.

Also:

HJR 396. COMMENDING JARRED L. BUCHANAN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

HJR 397. COMMENDING HORATIO FRANK LEFTWICH, IV, OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

HJR 398. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

Also:

HJR 399. COMMENDING REX A. AND OPAL SHIPP TURNER OF MONTGOMERY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

HJR 400. COMMENDING MISS KATIE STRONG OF MONTGOMERY, ALABAMA, AS SPEAKER OF THE HOUSE IN THE 1993 YMCA YOUTH LEGISLATURE.

Also:

HJR 401. COMMENDING MISS SARAH MARTIN, RECIPIENT OF YMCA YOUTH LEGISLATURE AWARDS.

Also:

HJR 357. COMMENDING LIEUTENANT CHARLES B. PAQUET FOR DISTINGUISHED SERVICE TO THE COUNTY OF MOBILE.

Also:

HJR 360. COMMENDING RADIO STATION WDJC ON THE OCCASION OF ITS 25TH ANNIVERSARY OF SERVICE TO THE CITIZENS OF NORTH CENTRAL ALABAMA.

Also:

HJR 393. COMMENDING MICHA CORY CALDWELL OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

HJR 394. COMMENDING MANUEL JOSEPH OLIVEIRA OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

HJR 395. COMMENDING DARRYL KEITH ANTOINE OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

HJR 404. RELATIVE TO MEETING DAYS.

Also:

HJR 351. COMMENDING DR. ROY N. WOOD, SR., OF BIRMINGHAM, ALABAMA, ON HIS OUTSTANDING CAREER IN BROADCASTING AND JOURNALISM.

Also:

HJR 353. MOURNING THE DEATH OF LONNIE G. MURRAY OF FAIRFIELD, ALABAMA.

Also:

HJR 355. CONGRATULATING MR. AND MRS. JOHN LAWRENCE ROCKHOLD, ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY.

Also:

HJR 356. CONGRATULATING MR. AND MRS. CURTIS HASS OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

HJR 358. RELATIVE TO MEETING DAYS.

Also:

HJR 367. COMMENDING HUGH R. SMITHERMAN, SR., FOR HIS LEADERSHIP AND SERVICE TO CIVIL DEFENSE IN CALHOUN COUNTY.

Also:

HJR 368. COMMENDING CIRCUIT JUDGE JOHN M. KARRH ON HIS RETIREMENT.

Also:

HJR 369. CONGRATULATING FRANCIS MARION HIGH SCHOOL BOY'S BASKETBALL TEAM ON THE 1993 STATE 3A CHAMPIONSHIP.

Also:

HJR 370. COMMENDING STATE FORESTER C. W. MOODY OF MONTGOMERY, ALABAMA.

Also:

HJR 372. MOURNING THE DEATH OF WILLIAM BRADFORD "BRAD" LAVIES OF ADAMSVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 320

The Senate proceeded to further consideration of the Bill, SB 320.

On motion of Senator Floyd the Rules were suspended and further consideration of the Bill, SB 320, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 17, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 17. To amend Section 15-23-4 of the Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, to increase the membership of the commission.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following substitute for the Bill, SB 17, to-wit:

SUBSTITUTE FOR SB 17

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 15-23-4 and 15-23-17 of the Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, to increase the membership of the commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-23-4 of the Code of Alabama 1975, is amended to read as follows:

"§15-23-4.

"(a) There is hereby created the Alabama crime victims compensation commission, which shall be composed of ~~three~~ five citizens of the state of Alabama, who shall be appointed by the governor with the advice and consent of the senate, for terms of four years each or until their successors are appointed and qualified. Provided however, initial appointments shall be as follows: one member shall be appointed for two years, one member shall be appointed for three years and one member shall be appointed for four years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four-year terms. All appointments past the initial appointments shall be for four years.

"(b) At least one member shall be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes and the apprehension or arrest of the perpetrators thereof.

"(c) At least one member shall be a victim of a crime of violence who suffered serious personal injury as a result thereof, or a member of such victim's immediate family or a member of a deceased victim's immediate family if such deceased victim died as a result of a crime of violence, or an officer of a nonprofit, charitable crime victims organization established pursuant to the laws of Alabama.

"(d) At least one member shall be a district attorney. This appointment shall be made by the Governor from three nominations from the Alabama District Attorney Association.

"(e) At least one member shall be a medical doctor or registered nurse who has had experience with injuries suffered by victims of violent crimes.

"~~(d)~~ (f) Each year the commission shall elect a chairman from its membership.

"~~(e)~~ (g) The commission may appoint an executive director who shall serve at the pleasure of the commission and shall be paid a salary in an amount to be determined by the commission.

"~~(f)~~ (h) The commission shall have its principal place of business in the county wherein the state capitol is located.

"~~(g)~~ (i) The commission shall hold at its principal place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect.

"~~(h)~~ (j) Any ~~two~~ three members of the commission shall con-

stitute a quorum for purposes of transacting the business of the commission and ~~two votes~~ a majority present and voting in favor shall be necessary for a decision by the commission at any meeting of the commission.

"(i) (k) From time to time the commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter.

"(j) (l) The chairman of the commission shall keep a true record of all of the proceedings of the meetings of the commission. At the call of any member the vote on any pending question shall be taken by ayes and nays, and the same shall be entered in such record, the record of the proceedings of the commission shall be open to any member of the commission and to the public at all times and a copy of such record, certified by the chairman, shall be competent evidence in all courts.

"Provided however, the commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to the provisions of this article or the facts or circumstances of the criminally injurious conduct perpetrated against them when such disclosure in the opinion of the commission would jeopardize or compromise an investigation by a law enforcement agency or a grand jury into criminally injurious conduct or in any way jeopardize or compromise a prosecution for criminally injurious conduct.

"(k) (m) All members and employees of the commission handling money or exercising authority over any property shall, before entering the discharge of their duties, give bond with a surety company authorized to do business in the state of Alabama, as surety, payable to the commission in an amount or amounts sufficient to protect the commission against any loss with respect to the funds, money or property handled, conditioned for the faithful discharge of their duties and responsibilities and further conditioned upon their faithfully accounting for all moneys, funds or properties coming into their possession in the capacity of their employment.

"(l) (n) The attorney general or the district attorney of the county wherein the state capitol is located shall, upon written request by the commission represent the commission in all litigation to which the commission is a party or in which the commission has an interest. The attorney general shall serve as a legal advisor to the commission.

"(m) (o) All commission members shall be paid ~~\$30.00~~ \$90.00 per day and mileage for attendance of commission meetings. Mileage and per diem shall be the same as allowed state employees when a commission member is traveling on official business of the commission and shall be paid from the Alabama crime victims compensation fund."

"§15-23-17.

"(a) In all criminal and quasi-criminal proceedings for the violation of laws of the state or municipal ordinances which are tried in any court or tribunal in this state, wherein the defendant is adjudged guilty of or pleads guilty to an offense or is adjudicated a juvenile delinquent or youthful offender based on such offense ~~wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case~~ or wherein any penalty is imposed, there is hereby imposed an additional cost of court in the amount of \$2.00 for each traffic infraction, \$10.00 in each such proceeding where the offense constitutes a misdemeanor and/or a violation of a municipal ordinance other than traffic infractions and \$15.00 in each such proceeding where the offense constitutes a felony; provided, however, that there shall be no additional costs imposed for violations relating to parking of vehicles.

"The amount of all such costs shall be remitted by the person or authority collecting the same to the chairman of the commission on the tenth day of each month next succeeding that in which the cost is paid. It shall be the duty of the clerk or other authority collecting the said court costs to keep accurate records of the amounts due the commission for the benefit of the fund under this section.

"(b) In addition to the imposition of any other costs, penalties or fines imposed pursuant to law, any person convicted or pleading guilty to a felony or a misdemeanor or violation, or adjudicated a youthful offender based on such offense, shall be ordered to pay a victim compensation assessment of not less than \$50.00, nor more than \$10,000.00, for each such felony for which such person was convicted or adjudicated and not less than \$25.00, nor more than \$1,000.00, for each such misdemeanor or violation for which such a person was convicted or adjudicated or otherwise disposed of when the court orders that costs be paid. ~~In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Such additional assessment or penalty shall be collected by the clerk of the court imposing the same and the first \$25.00 of each felony assessment and \$12.50 of each misdemeanor assessment shall be promptly paid over to the commission. The second \$25.00 of each felony assessment and \$12.50 of each misdemeanor assessment shall be promptly paid to the office of prosecution services. Any victim assessment fees ordered above the minimum shall be paid to the commission fund. Any person adjudicated a juvenile delinquent shall be ordered to pay a victim compensation assessment of not less than \$25.00 nor more than \$1,000.00, for each such adjudication, regardless of the underlying charge. Provided, however, that the assessment or penalty herein authorized shall not be assessed or collected for any conservation,~~

forestry or water safety offense nor any traffic offense, except those involving the operation or actual physical control of any vehicle while intoxicated or under the influence of drugs, those which are punishable as a felony offense and those involving reckless driving.

"(c) The minimum assessment provided in subsection (b) shall be automatically assessed by the clerk or register of the court upon conviction or adjudication of guilt. In imposing a penalty above the minimum mandatory amount, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Such assessment may be remitted by the court in any case wherein court costs are waived due to indigency.

"(d) The crime victim compensation assessment or penalty shall be collected by the clerk of the court imposing the same and the first \$25.00 of each felony assessment and \$12.50 of each misdemeanor, violation or adjudication as a youthful offender or juvenile delinquent assessment shall be promptly paid over to the commission. The second \$25.00 of each felony assessment and \$12.50 of each misdemeanor, violation or adjudication as a youthful offender or juvenile delinquent assessment shall be promptly paid to the office of prosecution services. Any victim assessment fees ordered above the minimum shall be paid to the commission fund.

"(e) (e) The office of prosecution services shall create a victim services fund and said assessments received by the office of prosecution services shall be deposited into such victim services fund. Said funds received by the office of prosecution services shall be distributed by the executive committee of the Alabama district attorneys association to the various district attorneys' offices to employ a minimum of one full-time victim service officer in each circuit and to provide other direct services to victims as needed."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -23

Nay: Senator Corbett

- 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 626. Relating to Mobile County; to amend Act No. 92-105, H. 74, 1992 Regular Session, which creates a County Racing Commission, to further define requirements for applicants for benefits under the Mobile County Law Enforcement and Firefighters' Pension Fund.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 162. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

Also:

H. 492. To amend Sections 9 and 11 of Act No. 85-546, Regu-

lar Session 1985, as amended by Act No. 87-348, Regular Session 1987, whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 2000; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 2001; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 2000-2001 for this additional judgeship position.

Also:

H. 737. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

Also:

H. 125. To allow employees in district attorney offices to purchase credit for service with a district attorney and to provide for an effective date.

Also:

H. 397. To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

Also:

H. 621. Providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 4 municipality which is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien, and providing for the collection of the assessments and the enforcement of the lien.

Also:

H. 622. Relating to any Class 4 municipalities whose city governing body is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975; to provide the right of the city to demolish unsafe

structures; providing for a determination of the ownership of the real property or structure and notice of hearing, the procedure for holding the hearing before the city governing body, the procedure for appeal to the circuit court, the right of the city to obtain a lien for the cost of demolition, the authority to assess against property sold to the State of Alabama for taxes, and the method of collection of assessments.

Also:

H. 768. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 301. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 288. To amend Section 27-1-16, Code of Alabama 1975, relating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 17

The Senate proceeded to further consideration of the Bill, SB 17, as amended by the substitute.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, SB 17, as amended by the substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 481, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 481. To provide for the Alabama Recreational Trails System

within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

was taken up.

Senator Ghee offered the following amendment to the Bill, SB 481, to-wit:

AMENDMENT TO SB 481

On page 4, Section 5, subsection 8, on line 15 after the word "use" insert the following:

, all-terrain vehicle use,

On page 9, Section 9, on line 23 after the period, delete the next sentence in its entirety, ending on line 28.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom

-19

Nays:

- 0

Senator Bedsole offered the following amendment to the Bill, SB 481, as amended, to-wit:

AMENDMENT TO SB 481, AS AMENDED

On page 7, after line 13, add the following new subsection:

(e) Any trail established pursuant to this act or otherwise established by another state agency, a local county or municipal government, or an agency of a local county or municipal government on a railroad right-of-way granted by the United States and later abandoned by the railroad shall be deemed to be a public highway in this state.

On page 6, line 1, delete the word and number "Section 5" and insert in lieu thereof the word and number:

Section 6

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and renumber the remaining sections

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Ghee, Hill,
Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders,
Waggoner, Wilson, and Windom -19

Nays:

- 0

And said Bill, SB 481, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Ghee, Hill,
Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders,
Waggoner, Wilson, and Windom -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 597, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Ellis, Ghee, Hill,
Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders,
Waggoner, Wilson, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 597. To amend Section 11-50-393 of the Code of Alabama 1975, relating to the formation of a gas district by two or more municipalities, to further provide for the directors' fees of the chair and members of the board of directors of the district.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 424.

Senator Hill, B.I.R., HB 424, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 424. To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 27 Nays 0

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Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Langford, B.I.R., SB 360, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 360. Providing that a retired judge of probate may participate in the state employees group health insurance plan if the retired judge pays the entire cost for the group health insurance.

was taken up.

Senator Langford offered the following substitute for the Bill, SB 360, to-wit:

SUBSTITUTE FOR SB 360

**A BILL
TO BE ENTITLED
AN ACT**

Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any judge of probate who qualifies to retire from

active service with a benefit from the judicial retirement fund shall be entitled to participate in the state employees health insurance plan. The entire cost for such group health insurance during retirement for a judge of probate shall be paid by such retired judge under such terms and conditions as the group insurer may, from time to time, prescribe for such group health insurance.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Langford, the Rules were suspended, and further consideration of the Bill, SB 360, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn requested and received permission to suspend the Rules in order to bring up the Bill, HB 293.

Senator Horn, B.I.R., HB 293, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 293. Amending Section 36-7-20, Code of Alabama 1975, to provide further for expenses for members of the Legislature traveling within the state to attend events sponsored by certain national and regional legislative organizations.

was taken up.

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The Select Committee on Fiscal Responsibility reported the following substitute for the Bill, HB 293, to-wit:

SUBSTITUTE FOR HB 293

A BILL
TO BE ENTITLED
AN ACT

Amending Section 36-7-20, Code of Alabama 1975, to provide further for expenses for members of the Legislature and employees of the Legislature traveling within the state to attend events sponsored by certain national and regional legislative organizations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-7-20 of the Code of Alabama 1975 is amended to read as follows:

"§36-7-20.

"(a) The amount allowable to a person traveling inside the state of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies for expenses other than transportation may be fixed by the governor at not less than ~~\$50.00~~ fifty dollars (\$50) nor more than ~~\$75.00~~ seventy-five dollars (\$75) per day, and ~~such~~ the maximum or limit ~~when fixed from time to time~~ shall be uniform in operation as to all persons traveling within the state on official business. However, members of the Legislature shall be excluded from the provisions of this subsection ~~section~~.

"No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of 15 percent of the regular per diem rate for a trip of from six to 12 hours' duration, and for travel in excess of 12 hours' duration, the traveler shall be paid one ~~such~~ meal allowance and one-fourth of the per diem allowance.

"The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the state for a period in excess of two consecutive months. After two consecutive months, the amount of the allowance shall be reduced to 75 percent of the regular per diem rate per day; provided, that ~~the provisions of this section~~ shall not apply to officers and employees of the state of Alabama when they incur expenses representing the state of Alabama in the encouragement and promotion of trade or industrial development; and, on ~~such~~ occasions, when ~~such~~ representation is properly approved, ~~such~~ the

persons shall be reimbursed for the actual expenses incurred and paid by them; provided further, that ~~such the~~ representation ~~must shall~~ be approved in advance in writing by the governor or by the director of finance when so designated by the governor.

"(b) ~~The provisions of this~~ This section shall not apply to examiners or other persons designated by the superintendent of insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by ~~such the~~ persons shall be paid by, or collected, or received from ~~such corporations examined under the provisions of~~ section 27-2-25.

"(c) ~~The provisions of this~~ This section shall be optional with the employing agency in those instances where the employee is required to attend training sessions, schools, seminars, or other like group functions at a facility where it would serve the best interests of both the state and the employee. In such cases, the cost of meals and per diem may be paid as set forth herein or by the employing agency of the state directly to the contract facility furnishing the service, except that in no case shall the costs of these services exceed the amount allowable to the individual employee for instate travel.

"(d) Notwithstanding the foregoing provisions of this section, members of the Legislature and employees of the Legislature including, but not limited to, employees of the Legislative Reference Service, Legislative Fiscal Office, and Department of Examiners of Public Accounts shall be allowed their actual and necessary expenses, including, but not limited to, actual and necessary expenses for transportation, when attending events within the state sponsored by the National Conference of State Legislatures, the Council of State Governments, the Energy Council, and the Council of Insurance Legislators. These expenses shall be in addition to all other legislative compensation and expense allowances provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-27

Nays:

- 0

And said Bill, HB 293, as amended by the substitute, was read a third time at length and passed.

Yeas 15 Nays 5

Yeas:

Senators:

Bailey, Bedsole, Bennett, Denton, Escott-Russell, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Waggoner, and Windom
-15

Nays:

Senators:

Bolling, Corbett, deGraffenried, Dial, and Smith (J) - 5

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 148, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Waggoner
-19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 148. To amend Section 9-13-82, Code of Alabama 1975, relating to forest products privilege and severance taxes.

was taken up.

Senator Lindsey offered the following amendment to the Bill, SB 148, to-wit:

AMENDMENT TO SB 148

On page 3, line 16, after "(2,000 pounds)" insert:

"for pine lumber converted in Alabama and \$.20 per ton where the timber is sold as logs and is not converted in Alabama."

On page 3, line 25, after "(2,000)" insert:

"for hardwood, cypress, and all other species of lumber converted in Alabama and \$.11 per ton where the timber is sold as logs and is not converted in Alabama."

On page 5, line 15, delete Section 3. and insert:

"Section 3. As a first charge against revenues collected under Section 2. of this act, to offset its initial costs in administering collections of taxes, there is hereby appropriated to the Department of Revenue by the Legislature for the fiscal year ending September 30, 1993, the sum of \$13,000.00.

"Section 4. The Department of Revenue is hereby granted the authority to promulgate reasonable rules and regulations necessary for the effective enforcement and administration of the provisions of Article 4, Chapter 13 of Title 9.

"Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 7. This act shall become effective on the first day of the calendar quarter following the quarter of its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Waggoner -19

Nays:

- 0

And said Bill, SB 148, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), and Waggoner -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 373, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon,
Escott-Russell, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell,
Mitchem, Owens, Parsons, Smith (J), and Waggoner -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 373. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

was taken up.

On motion of Senator Little, the Rules were suspended and further consideration of the Bill, SB 373, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, HB 419.

Senator Little, B.I.R., HB 419, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon,

Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders,
Smith (J), and Waggoner -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 419. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in *pari materia* with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

was taken up.

Senator Corbett offered the following substitute for the Bill, HB 419, to-wit:

SUBSTITUTE FOR HB 419

A BILL TO BE ENTITLED AN ACT

To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in *pari materia* with Chapter 5 of Title 13A, Code of Alabama

1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Family Violence Protection Order Enforcement Act." The purpose of this act is to provide criminal sanctions for the willful violation of certain protective or restraining orders issued in circuit, district, municipal, or juvenile courts in domestic relations or family violence cases.

Section 2. As used in this act, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "FAMILY VIOLENCE." The definition provided in Section 15-10-3, Code of Alabama 1975, in pari materia with the definition provided for "abuse" in Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975.

(2) "JUDGE." The judge presiding in a court having jurisdiction over the defendant for violation of this act and shall include a duly appointed magistrate conducting initial appearances pursuant to the Alabama Rules of Criminal Procedure or Juvenile Procedure.

(3) "PROTECTION ORDER" or "RESTRAINING ORDER." Any order of a court of competent jurisdiction, whether or not located in this state, the purpose of which is to prohibit a person from committing any or all of the following acts: harass, annoy, alarm, intimidate, assault, communicate with, or otherwise bother another person. This definition shall include, but not be limited to, protection orders issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions issued in domestic relations, family violence or juvenile cases in accordance with the Alabama Rules of Civil Procedure or the Alabama Rules of Juvenile Procedure, or both, and other applicable statutes and court rules. Restraining or protection orders not issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, must specify that a history of violence or abuse exists for the provisions of this act to apply.

Section 3. Any violation of this act is a Class A misdemeanor. A second conviction for violation of this act shall, in addition to any permissible fine, be punishable by a minimum of 48 hours continuous imprisonment which may not be suspended. A third, or subsequent conviction shall, in addition to any permissible fine, be punishable by a minimum sentence of 30 days imprisonment which may not be suspended.

Section 4. A peace officer may arrest any person for the violation of this act if the officer has probable cause to believe that the person has violated any provision of a valid protection order, whether temporary or permanent, which has been served on the person or of which the person has received sufficient notice that the protection order has been issued. The officer may arrest the person without a warrant although he or she did not personally see the violation. Knowledge by the officer of the existence or contents of, or both, or presentation to the officer by the complainant of, a protection order shall constitute prima facie evidence of the validity of the order.

Section 5. Lack of knowledge by the defendant of the order which was violated shall be an affirmative defense to conviction for violating this act at trial only, but shall not affect the determination of the arresting officer in deciding to arrest. Nothing in this section shall change the burden of proof required in a criminal prosecution.

Section 6. Nothing in this act shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. The provisions of this act shall be construed in pari materia with all laws which relate to punishment and sentences for any civil or criminal offense, including, but not limited to, contempt of court, domestic abuse, child abuse, family abuse, or juvenile abuse, and the punishment and sentences provided in Chapter 5 of Title 13A, Code of Alabama 1975. All laws which otherwise conflict with this act are repealed only to the extent of the conflict.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner

-25

Nays:

- 0

**REGULAR SESSION
25th Day**

1499

And said Bill, HB 419, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 446, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 446. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitation.

was taken up.

Senator Mitchell offered the following amendment to the Bill, SB 446, to-wit:

AMENDMENT TO SB 446

Amend Senate Bill No. 446 Page 3 Line 11, as follows:

delete the entire Section 4(a) and insert in lieu thereof a new Section 4(a) to read

"Section 4. (a) A state employee who alleges a violation of this act may bring a civil action for appropriate injunctive relief and for such damages as a jury may access, or both within two years after the occurrence of the alleged violation of this act.

Also, on lines 20, 21, and 22 delete

Section 4.(c) in its entirety.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

And said Bill, SB 446, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., SB 367, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 367. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 367, to-wit:

SUBSTITUTE FOR SB 367

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Commencing October 1, 1993, each person, except those whose employer participated in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7, and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1992, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase determined by computing the sum of the following three factors:

(1) One and twenty-eight hundredths (1.28) percent of the individual's current monthly benefit, including all previous increases.

(2) One dollar and twenty-eight cents (\$1.28) for each year of creditable service in covered employment prior to retirement.

(3) One dollar and twenty-eight cents (\$1.28) for each year since the effective date of retirement or the date of death in the case where the employee dies prior to retirement.

Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected.

(b) Beneficiaries of deceased members or deceased retirees,

except where the deceased member or deceased retiree retired from an employer participating in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7 and 36-27-7.1, Code of Alabama 1975, if the date of death for the deceased member, or the effective date of retirement for the deceased retiree for purposes of receiving benefits from the Employees' Retirement System was prior to October 1, 1992, shall receive the cost-of-living increase in the amount attained by the retiree reduced by the retiree's option election factor.

Section 2. Commencing October 1, 1993, each person whose employer participated in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1992, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, may receive a cost-of-living increase determined by the formula used in Section 1, if the employer elects to come under this act. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected. Any employer making the election to come under the act shall bear the cost of the cost-of-living increases paid to its employees pursuant to this section. Any employer participating under Section 36-27-6, Code of Alabama 1975, may elect to come under this act at the beginning of any subsequent fiscal year and the employer shall not be required to pay this cost-of-living increase retroactively.

(b) If the employer elects to come under this act, beneficiaries of deceased members or deceased retirees retired from an employer participating in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, shall receive the same cost-of-living increase provided in Section 1, reduced by the retiree's option factor.

Section 3. Commencing October 1, 1993, each person whose employer participated in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1992, and who is receiving a monthly allowance or is eligible to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase in the amount of one half the amount provided by the formula in Section 1. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected. Beneficiaries of deceased members or deceased retirees of employers participating in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, shall be entitled to the amount the retiree has attained using the formula provided in Section 1, reduced by the retiree's option election factor.

Section 4. The Board of Control of the Employees' Retirement System shall determine annually the amount required to pay the cost of the increased allowance provided under Sections 1 and 3 of this act, and shall notify the chief fiscal officer of each employer the percentum rates of earnable compensation of the members required to be paid to the Retirement Systems. Each employer of members of the Employees' Retirement System shall pay on account of the increases provided in Sections 1 and 3 in the same manner and from the same source of funds as provided in Sections 36-27-7 and 36-27-24, Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Sections 1 and 3 of this act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

Section 5. The Board of Control of the Employees' Retirement System may notify any employer who participated in the Employees' Retirement System and has withdrawn from participation on the effective date of this act that the cost-of-living increases provided by this act and Act No. 90-522, 1990 Regular Session, are available to their retirees and beneficiaries provided the employer elects to fund the increase.

Section 6. Any pensioner who retired from a city, town, county, or local board before the city, town, county, or local board became a member of the Employees' Retirement System, and who is receiving a monthly benefit on the effective date of this act administered by the Employees' Retirement System, may receive an increase in benefits in the amount of sixty dollars (\$60) per month if the city, town, county, or local board elects to fund the increase, provided the pensioner retired prior to October 1, 1992. For purposes of this section, a pensioner is a retiree who earned retirement in any public pension plan created by the Legislature or a political subdivision.

Section 7. Any annuitant who retired from a city, town, county, or local board before the city, town, county, or local board became a member of the Employees' Retirement System, and who is receiving a monthly benefit on the effective date of this act administered by the Employees' Retirement System, may receive thirty dollars (\$30) per month if the city, town, county, or local board elects to fund the increase.

Section 8. Any city, county, or local board affiliated with the Employees' Retirement System on October 1, 1993, may provide the cost-of-living increase pursuant to this act to any retiree or beneficiary who retired prior to October 1, 1992, if the local unit elects to fund the increase.

Section 9. Any person who received benefits under the Medicaid Program and whose eligibility for Medicaid benefits would be impaired by the cost-of-living increase provided by this act shall not be entitled to

receive the increase. Any person who subsequently applies for benefits under the Medicaid Program and that person's eligibility to receive benefits is impaired by the cost-of-living increase provided by this act, shall not be entitled to receive the increase subsequent to the date that the member files application for benefits under the Medicaid Program.

Section 10. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to the retired members of the Employees' Retirement System. However, those laws or parts of laws which are in direct conflict or inconsistent with this act are repealed to the extent of the conflict.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

And said Bill, SB 367, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 210, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 210. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 182, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 182. To provide for special procedural due process rights for law enforcement officers during certain disciplinary investigations of the officers.

was taken up.

The Standing Committee on Judiciary/Civil reported the following amendment to the Bill, SB 182, to-wit:

AMENDMENT TO SB 182

On page 4, line 11, after the period, insert the following language:

Employing agencies which have established policies for procedural due process rights for law enforcement officers shall continue to utilize those procedures and the procedures established pursuant to this act shall not apply to those agencies, municipalities, or counties.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

And said Bill, SB 182, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 739, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 739. Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the assessment of an Underground Storage Tank Trust Fund Charge; ~~and~~ to direct the Underground Storage Tank Trust Fund Charge to become the funding mechanism for the Alabama Underground Storage Tank Trust Fund; and to clarify the benefits available under the fund for third-party claims.

was taken up.

Senator Foshee offered the following substitute for the Bill, HB 739, to-wit:

SUBSTITUTE FOR HB 739

**A BILL
TO BE ENTITLED
AN ACT**

Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the assessment of an Underground and Aboveground Storage Tank Trust Fund Charge; ~~and~~ to direct the Underground and Aboveground Storage Tank Trust Fund Charge to become the funding mechanism for the Alabama Underground and Aboveground Storage Tank Trust Fund; and to clarify the benefits available under the fund for third-party claims.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. §22-35-1. Legislative findings and intent:

The legislature of the state of Alabama finds and declares that

certain lands of Alabama constitute unique and delicately balanced resources; that the protection of these resources is vital to the economy of this state; and that the preservation of waters is a matter of the highest urgency and priority as these waters provide a primary source of potable water in this state; that such use can only be served effectively by maintaining the quality of waters in as close to a comparable previous condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

The legislature further finds that where contamination of soils or waters has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made; that such delays result in the continuation and intensification of the threat to the public health, safety, and welfare, in greater damages to the environment, and in significantly higher costs to contain and remove the contamination; and that adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and clean-up at contamination sites without delay.

The legislature intends for this chapter to provide evidence of financial responsibility for owners and operators of underground and aboveground storage tanks under the Resource Conservation and Recovery Act, subtitle I, the Superfund Amendments and Reauthorization Act of 1986 and other federal laws.

Section 2. §22-35-2. Short title.

This chapter may be cited as the "Alabama Underground and Aboveground Storage Tank Trust Fund Act."

Section 3. Section 22-35-3 Code of Alabama 1975 is hereby amended as follows:

§22-35-3. Definitions.

For the purposes of this chapter, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) Commission. The Alabama Environmental Management Commission.

(2) Department. The Alabama Department of Environmental Management.

(3) Director. The Director of the Alabama Department of Environmental Management.

(4) Waters. All waters of any river, stream, water course, pond, lake, coastal, ground, or surface waters wholly or partially within the state, natural or artificial.

(5) Owners of an Underground or Aboveground Storage Tank:

a. In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, or in the case of an aboveground storage tank in use on August 1, 1993, or brought into use after August 1, 1993, any person who owns an underground or aboveground storage tank used for the storage, use, or dispensing of motor fuels, and

b. In the case of an underground storage tank in use before November 8, 1984, but no longer in use on that date, or an aboveground storage tank in use before August 1, 1993, but no longer in use on that date, the present owner of such tank used for storage, use or dispensing of motor fuels, and any person who owned such tank immediately before the discontinuation of its use.

c. For the purposes of this chapter, the person who registers the underground or aboveground storage tank is, and shall be considered the owner.

(6) Operator. Any person in control of, or having responsibility for, the daily operation of an underground storage tank.

(7) Person. Any natural person, any firm, association, partnership, corporation, trust, the State of Alabama and any agency of the State of Alabama, governmental entity, ~~the United States and any agency of the United States,~~ a consortium, a joint venture, a commercial entity and any other legal entity.

(8) Release. Any spilling, leaking, emitting, discharge, escaping, leaching, or disposing from any underground or aboveground storage tank into ~~the waters of the state,~~ ground water, surface water or subsurface soils.

(9) Motor Fuels. All grades of gasoline including gasohol or any gasoline blend, number 1 diesel, number 2 diesel, kerosene and all aviation fuels.

(10) Underground Storage Tank. Any one or combination of tanks (including pipes connected thereto) used to contain an accumulation of motor fuels, and the volume of which (including the volume of the underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. ~~Such term does not include any:~~

(11) Aboveground Storage Tank. Any one or combination of tanks (including pipes connected thereto) used to contain an accumulation of motor fuels.

The terms Underground Storage Tank and Aboveground Storage Tank do not include any:

a. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

b. Tank used for storing heating oil for consumptive use on the premises where stored;

c. Septic tank;

d. Pipeline facility (including gathering lines) regulated under:

1. The Natural Gas Pipeline Safety Act of 1968,

2. The Hazardous Liquid Pipeline Safety Act of 1979, and

3. An intrastate pipeline facility regulated under state laws comparable to the provisions of law in subparagraphs 1. or 2. of this paragraph;

e. Surface impoundment, pit, pond, or lagoon;

f. Stormwater or wastewater collection system;

g. Flow-through process tank;

h. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

i. Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor; and

j. Other underground storage tanks exempted by the administrator of the federal Environmental Protection Agency.

k. Piping connected to any of the above exemptions.

(11 12) Third Party Claim. Any civil action brought or asserted by any person against any owner or operator of any underground or aboveground storage tank who is in substantial compliance as stated in this chapter for damages to person or property bodily injury or property damage which damages are the direct result of

~~the contamination of waters by motor fuels released during an accidental release arising from the operation of motor fuel underground storage tanks covered under this chapter.~~

(12 13) Response Action. Any activity, including evaluation, planning, design, engineering, construction, and ancillary services, which is carried out in response to any discharge, release, or threatened release of motor fuels.

(13 14) Response Action Contractors. A person who has been approved by the department who is carrying out any response action, including a person retained or hired by such person to provide services relating to a response action.

(14 15) Substantial Compliance. An owner or operator of an underground or aboveground storage tank has registered that tank with the department, has timely paid the annual fee, if any, has made a good faith effort to comply with the state and federal laws applicable to underground or aboveground storage tanks, and the rules and regulations adopted pursuant thereto, and shall have met the financial responsibility requirements imposed by section 22-35-7, and shall have promptly notified the director of any third party claim or suit made against him.

(16) "Bulk facility" means a facility, including pipeline terminals, refinery terminals, motor fuel distribution terminals, rail and barge terminals, and associated tanks, connected or separate, from which motor fuels are withdrawn from bulk and delivered into a cargo tank or a barge used to transport these materials.

(17) "Cargo tank" means an assembly that is used for transporting, hauling, or delivering liquids and that consists of a tank having one or more compartments mounted on a wagon, truck, trailer, railcar or wheels.

(18) "Withdrawal from bulk" means the removal of a motor fuel from a bulk facility storage tank directly into a cargo tank to be transported to another location in this state.

Section 4. Section 22-35-4 Code of Alabama 1975 is hereby amended as follows:

§22-35-4. Alabama underground and aboveground storage tank trust fund created; credits to and charges against fund; investigation, etc., of water contamination related to storage of motor fuels; liability of owner for costs; indemnification limit as to third party claims.

There is hereby created the Alabama underground and above-

ground storage tank trust fund, hereinafter referred to as the "fund" to be administered by the secretary-treasurer of the retirement systems of Alabama. This fund shall be used by the department as a revolving fund for carrying out the purposes of this chapter. To this fund shall be credited all tank fee and underground and aboveground storage tank trust fund charge revenues levied, collected and credited pursuant to this chapter. Charges against the fund shall be made in accordance with the provisions of this chapter.

(1) Whenever in the director's determination incidents of soil or water contamination related to the storage of motor fuels in underground storage tanks discovered and reported to the department on or after October 1, 1988, and in aboveground storage tanks discovered and reported to the Department on or after August 1, 1993, may pose a threat to the environment or the public health, safety or welfare, and the owner or operator of the underground or aboveground storage tank has been found to be in substantial compliance, the department shall obligate moneys available in the fund to provide for:

- a. Investigation and assessment of contamination sites;
- b. The interim replacement and permanent restoration of potable water supplies;
- c. Rehabilitation of contamination sites, which may consist of clean-up of affected soil and groundwater, using cost effective alternatives that are technologically feasible and reliable, and that provide adequate protection of the public health, safety and welfare and minimize environmental damage, in accordance with the site selection and clean-up criteria established by the department, except that nothing herein shall be construed to authorize the department to obligate funds for payment of costs which may be associated with, but are not integral to, site rehabilitation, such as the cost for retrofitting or replacing underground and aboveground storage tanks. The moneys expended from the fund for any of the above approved costs shall be spent only up to such sum as will cause the Resource Conservation and Recovery Act, subtitle I, the Superfund Amendments and Reauthorization Act of 1986, and any other federal laws governing disbursement of federal funds for clean up and/or third party claims to come into effect. Moreover, the monies expended from the Fund as a result of a release from aboveground tanks shall not exceed such sum as would otherwise be necessary to cause funds from the above noted federal sources to come into effect.

(2) Whenever costs have been incurred by the department for taking response action or enforcement action with respect to the release of motor fuels from an underground or aboveground storage tank, or the department has expended funds from the fund created by this chapter, the owner of the underground storage tank shall be liable to the

department for such costs if such release was discovered or reported prior to October 1, 1988, and the owner of the aboveground storage tank shall be liable to the Department for such costs if such release was discovered or reported prior to August 1, 1993, or if such owner or operator was not in substantial compliance on the date of discharge discovery of the release of motor fuels which necessitates the cleanup; or other such owner or operator fails to maintain substantial compliance thereafter; otherwise liability is limited to the provisions contained in section 22-35-7.

(3) The indemnification limit of the fund with respect to satisfaction of third party claims shall be that which is necessary to satisfy underground or aboveground storage tank owner financial responsibility requirements of subtitle I of the Resource Conservation and Recovery Act, U.S. Code, as established by federal regulations the following amounts:

a. For owners or operators of motor fuels underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of motor fuels per month based on annual throughput for the previous calendar year; \$1 million per occurrence.

b. For all other owners or operators of motor fuels underground storage tanks; \$500,000 per occurrence;

c. For owners or operators of 1 to 100 motor fuels underground storage tanks, \$1 million annual aggregate; and

d. For owners or operators of 101 or more motor fuels underground storage tanks, \$2 million annual aggregate.

Section 5. Section 22-35-5 Code of Alabama 1975 is hereby amended as follows:

§22-35-5. Owners to pay underground storage and aboveground tank trust fund fee; special assessments when fund depleted; failure to pay fee; levy and amount of underground and aboveground storage tank trust fund charge; fees deposited in fund; investment of fund; use of fund; procedure for obtaining payments from fund; limits on liability for clean-up costs; audit of fund.

(a) Every owner of an underground or aboveground storage tank as defined in this chapter shall pay an underground and aboveground storage tank trust fund fee as established by the provisions of this chapter to be paid to the department. During the first year next following October, 1988, the amount of the annual underground and aboveground storage tank trust fund fee shall be \$100.00. Thereafter, the commis-

sion, upon recommendation of the advisory board, shall set such an amount not to exceed \$150.00 per year per regulated tank. Should the fund become depleted due to claims being greater than amounts provided by tank fees, the commission shall be empowered to make special assessments of tank fees to protect the financial integrity of the fund. Provided the total tank fees and special assessments for any fiscal year do not exceed \$150.00 per regulated tank. The failure to pay underground and aboveground storage tank trust fund fees within the time prescribed by the department shall make the owner or operator of such underground or aboveground storage tank liable for a late charge penalty in an amount not to exceed \$100.00 per tank for each day such payment is delinquent, subject to the discretion of the director. The director, for good cause shown, may abate all or part of said penalty.

b(1) An underground and aboveground storage tank trust fund charge is imposed on the first withdrawal from bulk. Each operator of a bulk facility from which a first withdrawal from bulk is made shall, on the first withdrawal from bulk, either retain or collect from the person who ordered the fuel a fee in an amount determined as follows:

A. Thirteen dollars and fifty cents (\$13.50) for each separate withdrawal from bulk, into a cargo tank, less than or equal to 4500 gallons.

Twenty-seven dollars and no cents (\$27.00) for each separate withdrawal from bulk, into a cargo tank, of greater than 4500 gallons.

B. When a withdrawal from bulk occurs outside of this state, where the motor fuel is to be imported into this state, the importer of such motor fuels shall be responsible for the collection and remittance of the applicable underground and aboveground storage tank trust fund charge.

(2) Each operator of a bulk facility from which a first withdrawal from bulk is made and importers of motor fuels into the State of Alabama as identified in Section b(1)B above, shall file an application with the Department of Revenue for a permit to deliver motor fuels into a cargo tank destined for delivery into storage tanks, regardless of whether these tanks are exempted from the definition of underground or aboveground storage tank hereinabove. All applications shall be filed utilizing a form furnished by the Department of Revenue. A permit issued under this Subsection is valid on and after the date of its issuance and until the permit is surrendered by the holder or canceled by the Department of Revenue.

(3) All invoices or transaction statements issued by operators of bulk facilities for the transfer of motor fuels into a cargo tank shall clearly indicate whether or not the transaction was a withdrawal from bulk as defined herein.

(4) Each operator of a bulk facility from which a first withdrawal from bulk is made shall list, as a separate line item on an invoice, the amount of the fees due under this Section, and on or before the twentieth day of the month following the end of each calendar month, file a report with the Department of Revenue and remit the amount of fees required to be collected or paid during the preceding month. Said reports shall be filed on a form furnished by the Department of Revenue. The Department of Revenue shall deposit in the trust fund on a monthly basis all underground and aboveground storage tank trust fund charge revenues collected by it, less interest earned, for the month then just ended.

(5) All invoices, reports, and any other records required under this Section as well as rules adopted by the department and the Department of Revenue pursuant to this Section, or copies thereof, shall be retained for a period of four years after the date on which the document is prepared. The Department of Revenue shall have authority to audit the records of all persons required to collect and remit the underground and aboveground storage tank trust fund charge established herein in order to ensure proper enforcement thereof.

(bc) The proceeds from the tank fees and underground and aboveground storage tank trust fund charge imposed by this chapter shall be deposited into the Alabama underground and aboveground storage tank trust fund established in section 22-35-4 until the unobligated balance in the fund shall reach 10 million dollars (\$10,000,000.00), at which time the tank fee, if any, and the underground and aboveground storage tank trust fund charge shall abate until such time as the unobligated fund balance shall be reduced to seven and one-half million dollars (\$7,500,000.00), at which point the tank fee and the underground and aboveground storage tank trust fund charge shall be imposed until such time as the unobligated balance in the fund shall reach 10 million dollars (\$10,000,000.00). The unobligated balance of the fund shall be invested by the retirement systems of Alabama in its sole discretion, for the benefit of the fund. ~~At the end of any fiscal year in which the unobligated balance of the fund falls below \$250,000.00, the tank fee will be set at \$50.00 per tank gallon for the following year.~~

(cd) This fund shall be used for the purposes set forth in this chapter only for releases discovered and reported to the department on or after October 1, 1988, with regard to underground storage tanks, and only for releases discovered and reported to the Department on or after August 1, 1993 with regard to aboveground storage tanks, and for no other governmental purposes, nor shall any portion hereof ever be available to borrow from by any branch of government; it being the intent of the legislature that this fund and its increments shall remain intact and inviolate for the purposes set out in this chapter. Any interest or earnings on the fund shall be credited only to the fund.

(de) Moneys held in the fund established under the chapter shall be disbursed for the following purposes:

(1) Payments shall be made to third parties who bring suit against the director in his official capacity as representative of the fund and the owner or operator of an underground motor fuel storage tank who is in substantial compliance as stated in this chapter and such third party obtains a final judgment in that action enforceable in this state. The owner or operator above stated shall pay the first \$5,000.00 of said judgment and after that payment has been made, the fund will pay the remainder of said judgment. With respect to the owner or operator of an aboveground motor fuel storage tank who is in substantial compliance, said owner or operator shall pay the first \$10,000 of said judgment and after that payment has been made, the Fund will pay the remainder of said judgment. The attorney general of the state of Alabama is hereby responsible to appear in said suit for and in behalf of the director as representative of the fund and the director as representative of the fund is a necessary party in any suit that is brought by any third party which would allow that third party to collect from this fund; and the director must be made a party to the initial proceedings. The costs of defending these suits by the attorney general or those assistants employed by the department, or appointed by the attorney general to assist shall be recovered from the fund. The cost of defending an owner or operator who is in substantial compliance as stated in this chapter against third-party claims shall be recovered from the fund pursuant to such guidelines and procedures and subject to such limits as the Alabama Underground Storage Tank Trust Fund Advisory Board shall provide. The amount of money in this fund, the method of collecting the fund, nor any of the particulars involved in setting up this fund shall be admissible in evidence in any trial where suit is brought when the judgment rendered could affect the fund.

(2) Payments as approved by the department shall be made in reasonable amounts to approved response action contractors when vouchers are submitted to the secretary-treasurer of the retirement system of Alabama from the director requesting payment.

(ef) Payments from the fund may be obtained by following this procedure:

Under subdivision (de)(1) of this section by filing an application with the department attaching the original or a certified copy of the final judgment, together with proof of payment of the first \$5,000.00, or in connection with judgments against owners or operators of aboveground tanks, with proof of payment of the first \$10,000.

(f) Nothing in this chapter shall establish or create any liability or responsibility on the part of the department or the state of Alabama to

pay any clean-up costs or third party claims from any source than the fund created by this chapter, nor shall the department or the state of Alabama have any liability or responsibility to make any payments for clean-up costs or third party claims if the fund created herein is insufficient to do so. In the event the fund is insufficient to make the payments at the time the claim is filed, such claims shall be paid in the order of filing at such time as moneys are paid into the fund.

(g) The fund shall be audited annually by the department of examiners of public accounts.

Section 6. Section 22-35-6 Code of Alabama 1975 is hereby amended as follows:

§22-35-6. Alabama underground and aboveground storage tank trust fund advisory board created; members; meetings; duties.

There is hereby created an Alabama underground and aboveground storage tank trust fund advisory board (the "board") comprised of a representative from each of the following organizations: (1) the Alabama Oilmen's Association; (2) the Alabama Service Station Association; (3) the Petroleum Equipment Institute; (4) the Alabama Department of Environmental Management; and (5) the Alabama Petroleum Council. Each representative, or the designee of such representative, may attend meetings of the board, and each such representative, or designee, shall have one vote concerning any matter coming before the board. The board shall elect its own chairman. The board shall meet at least twice annually, and may meet at any other time upon 5 days' notice from the director or any two of the board's other members. The board will advise the commission and/or the department on (1) issues involving implementation of the act; (2) reductions of the fund ceiling; (3) the role of the fund in establishing financial responsibility as required by federal law; (4) examination of claims made and loss experience, including recommendations to the commission for minimum levels of financial responsibility for underground and aboveground storage tank owners or operators under section 22-35-7; (5) adjustments of the tank fee between \$10.00 to \$150.00; (6) the necessity for, and contents of, rules and regulations issued under the act, and similar matters; (7) the board shall recommend standards for the qualification of response action contractors as defined herein, and (8) such other advice as the commission may request or the board may desire to offer.

The board shall provide guidelines and procedures and shall set limits for the recovery from the fund of costs of defending an owner or operator who is in substantial compliance as stated in this chapter against third-party claims.

Section 7.

§22-35-7. Financial responsibility requirements for taking response action.

(a) The financial responsibility requirements for taking response action by underground motor fuel storage tank owners or operators shall be set at \$5,000.00 per occurrence, and for aboveground tank owners or operators the financial responsibility requirements shall be set at \$10,000 per occurrence. The commission may increase the clean-up and third party damage liability per occurrence to owners or operators when recommended by the advisory board.

(b) Financial responsibility may be established by any one or combination of the following: insurance, guarantee, surety bond, letter of credit or qualification as a self-insurer. A person may qualify as a self-insurer by showing tangible net worth in the amount of \$25,000.00.

Section 8.

§22-35-8. Rehabilitation of contamination sites.

(a) The legislature finds that in order to provide for the expeditious rehabilitation of contamination sites, voluntary rehabilitation of contamination sites should be encouraged, provided that such rehabilitation is conducted in a manner and to a level of completion which will protect the public health, safety, and welfare and will minimize damage to the environment. To accomplish this purpose, the commission shall promulgate rules and regulations for the approval and compensation of response action contractors or through the use of their own personnel. The state shall not be party to contracts established between an owner or operator and a response action contractor and nothing in this chapter shall be construed as a state contract but to the contrary, it is expressly manifest that these are not state contracts and are expressly exempt from any competitive bid laws.

(b) Nothing in this chapter shall be deemed to prohibit a person from conducting site rehabilitation through approved response action contractors.

Section 9.

§22-35-9. Administration cost of chapter; annual budgets for administration.

Administration cost of all the provisions of this chapter shall be charged to the fund. Annual budgets for administration are to be included as part of the regular department budget. Budget provisions for this activity shall be the department's actual cost, not to exceed \$400,000.00 8% of total fees and charges collected annually or a

maximum of \$800,000.00 per year whichever is less, excluding any legal expenses incurred by the department in discharging its duties under the provisions of this chapter. In no event shall the department's budget provisions for this activity in any given year be less than \$400,000.00.

Section 10.

§22-35-10. Rules and regulations.

Rules and regulations pertaining to this chapter shall be adopted by the commission in accordance with applicable state and federal laws. The commission shall not adopt any rules or regulations pertaining to underground or aboveground storage tanks under the provisions of this chapter that are more stringent than those provided by federal rules or regulations.

Section 11.

§22-35-11. Notice to underground and aboveground storage tank owners of provisions of chapter.

No later than 90 days after October 1, 1988, with regard to underground storage tank owners and no later than 90 days after August 1, 1993, with regard to aboveground storage tank owners, the department shall notify ~~underground storage tank owners~~said tank owners of the privileges of this chapter, the required timely payment of fees, the deadlines for payment thereof, and the manner in which late charges may be applied.

Section 12.

§22-35-12. Liability of underground and aboveground storage tank owners.

This chapter is to assist the underground and aboveground storage tank owner to the extent provided for in this chapter, but not to relieve the owner of any liability that cannot be satisfied by the provisions of this chapter.

Section 13.

§22-35-13. No disbursements from fund until adoption of rules and regulations governing disbursements.

Disbursements from the fund for the purpose of paying clean-up costs or satisfying third party liability claims shall not be made until rules and regulations establishing administrative guidelines and procedures which shall govern the manner in which disbursements are

made are effective. Rules and regulations establishing these administrative procedures shall be effective no later than June 1, 1989.

Section 14.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, the remainder of this Act shall be null and void except for the provisions regarding third party liability set forth in Section 4(3) hereinabove.

Section 15.

This act shall become effective August 1, 1993.

Which was adopted.

Yeas 21 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (J), and Waggoner -21

Nays:

Senators:

Hill and Parsons - 2

And said Bill, HB 739, as amended by the substitute, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 280. To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend im-

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mediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 445, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 445. To amend Section 40-23-5, Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

was taken up.

The Standing Committee on Governmental Affairs/State Administration reported the following amendment to the Bill, SB 445, to-wit:

AMENDMENT TO SB 445

Amend Senate Bill 445 on page 4, line 15 by deleting the word "and" and inserting in lieu thereof the word "or".

Further amend the bill on page 4, line 18 after the word "state" by inserting the following:

"which do not meet the criteria in subsection (o) above but are licensed by the State Board of Health".

Which was adopted.

Yeas 22 Nays 0

Yeas:**Senators:**

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

And said Bill, SB 445, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:**Senators:**

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 457, adopted.

Yeas 22 Nays 0

Yeas:**Senators:**

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 457. Relating to insurance; to provide that insurance coverage for medically necessary early intervention services be included as coverage for newborn children under any insurance policy, nonprofit service corporation contract, or health maintenance organization evidence of coverage; providing family members' coverage; providing that the benefits be provided as part of a basic benefits policy, with certain maximum coverage; and providing that the benefits paid not be applied by the insurer against any maximum benefit limits, as may be specified in the policy, by amending Section 27-19-38, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 349, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 349. To amend Sections 15-12-1 and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 337, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 337. Relating to motor vehicles; to prohibit inducing the buyer of a motor vehicle pursuant to a retail installment contract or the lessee of a motor vehicle pursuant to a lease contract from subleasing the motor vehicle without certain consent; to prohibit the offering for hire of motor vehicles subleased in violation of this act; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lipscomb requested and received permission to suspend the Rules in order to bring up the Bill, HB 322.

Senator Lipscomb, B.I.R., HB 322, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 322. Imposing additional fines on persons convicted of offenses involving driving under the influence and providing for administration and disposition of the proceeds from the additional fines.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, SB 253.

Senator Denton, B.I.R., SB 253, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 253. To provide for the "Alabama County Commissioners College Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama County Commissioners College; to provide for dates of the course of training

and education; to provide for a board of directors of the college; and to provide for procedures relative to the administration of the college.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill:

S. 606. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, SB 606, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, HB 812.

Senator Dixon, B.I.R., HB 812, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 812. Amending Section 22-21-263 of the Code of Alabama

1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

was taken up.

The Standing Committee on Small Business reported the following amendment to the Bill, HB 812, to-wit:

AMENDMENT TO HB 812

Amend House Bill 812 on Page 1, Line 22, and on Page 3, Line 9, by deleting the existing language "70 percent" and inserting in lieu thereof the new language "65 percent".

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 812, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

FURTHER CONSIDERATION OF SB 202

The Senate proceeded to further consideration of the Bill, SB 202.

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, SB 202, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 399. To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of the fiscal year for the state, so as to change the date of said fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1993 through June 30, 1994; to authorize the Governor to promulgate procedures he deems necessary to implement the provisions of this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1993-94 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1994-95 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75% of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama, 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 399 - to the Select Committee on Fiscal Responsibility

BUDGET ISOLATION RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, HB 170.

Senator Dixon, B.I.R., HB 170, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom

-26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 170. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

was taken up.

Senator Dial offered the following amendment to the Bill, HB 170, to-wit:

AMENDMENT TO HB 170

Amend HB 170 on page 3, line 17 by adding after the period (.) the following:

"Provided, however, that the exemption from subdivision (4) herein established shall not apply to home health services provided outside of the county in which the hospital is located."

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, HB 170, as amended, to-wit:

AMENDMENT TO HB 170, AS AMENDED

Amend House Bill No. 170, as amended, Page 3 Line 16, as follows:

after the word "facility" add the words "located within Alabama".

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

Senator Bailey offered the following amendment to the Bill, HB 170, as amended, to-wit:

AMENDMENT TO HB 170, AS AMENDED

Amend HB 170, as amended, on page 3, line 8, by striking lines 8 through 17 beginning with the new language with the word "Health" and inserting in lieu thereof, the following language:

Health services, other than those health services involving long term care services, including without limitation, skilled and intermediate nursing home care, swing bed services, rehabilitation beds, or transitional care services, provided directly by acute care hospitals with 100 beds or less that are located over 30 miles from the nearest acute health care facility located in Alabama shall not be subject to this subdivision (4) but shall be subject to the other subdivisions of this subsection.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 170, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, SB 316.

Senator Figures, B.I.R., SB 316, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 316. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill, HB 675.

Senator Foshee, B.I.R., HB 675, adopted.

Yeas 26 Nays 0

Yeas:**Senators:**

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:**- 0****BILLS ON THIRD READING RESUMED****THE BILL:**

H. 675. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

was read a third time at length and passed.

Yeas 26 Nays 0**Yeas:****Senators:**

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:**- 0****FURTHER CONSIDERATION OF SB 360**

The Senate proceeded to further consideration of the Bill, SB 360. The question was on the Langford substitute.

Which was adopted.

Yeas 26 Nays 0**Yeas:****Senators:**

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:**- 0**

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And said Bill, SB 360, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Fuller, and Holley.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Owens, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 850, the title of which is set out in the foregoing Message from the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate, appointed as Committee on the part of the Senate, Senators Owens, Lindsey, and Hale.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Box, Beasley, and Mikell.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 219, the title of which is set out in the foregoing Message from the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Barron, Bolling, and Corbett.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 367. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

DON HALE,
Chairperson.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 255

SB 501

Delivered to the Governor, April 27, 1993, at 3:45 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:15 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 29, 1993, at 9 o'clock A.M.

TWENTY-SIXTH LEGISLATIVE DAY

THURSDAY, APRIL 29, 1993

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Ann Bedsole, Thirty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kia Fitzpatrick, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senator Figures for today.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 4, 1993, which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Horn:

S. 671. To make a supplemental appropriation to the Department of Finance-Capitol Complex Maintenance and Repair Fund from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

On motion of Senator Horn, Rule 11 was suspended.

By Senator Windom:

S. 672. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banking, to provide further for the qualifications for holding the office of Superintendent of Banking and for the expiration of the term of office; and to provide that this act shall be effective retroactively from November 1, 1990.

Committee on Banking
and Insurance

On motion of Senator Windom, Rule 11 was suspended.

By Senator Foshee (With Notice and Proof):

S. 673. Relating to Coffee County; authorizing the county com-

mission to levy an additional ad valorem tax and providing for a referendum.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 673, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 674. To create a new district judgeship for Cullman County.

Committee on Local
Legislation No. 1

By Senator Hale:

S. 675. Relating to the Employees' Retirement System; allowing a vested member of any component system or fund of the retirement system to purchase up to a certain amount of certain prior service credit and providing for payment for the prior service credit.

Committee on Finance
and Taxation

On motion of Senator Hale, Rule 11 was suspended.

By Senator Foshee:

S. 676. To provide for the regulation and licensure of marriage and family therapists; to provide for the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

Committee on Commerce,
Transportation, and Utilities

On motion of Senator Foshee, Rule 11 was suspended.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 900. Repealing Act No. 92-414, H. 19, 1992 Regular Ses-

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sion (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Powell (With Notice and Proof):

H. 913. To amend Act No. 61, H. 2, 1967 Special Session, (Acts 1967, p. 96), relating to Autauga County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

H. 927. Relating to Russell County; providing for the Russell County Commission to establish a special reserve fund for the Russell County Motor Vehicle License Commissioner for the payment of losses incurred from certain worthless checks and other instruments; providing for reimbursement of the reserve fund; providing for documentation, maintenance, and accounting of the reserve account; and requiring that the commissioner insure his or her employees exercise due care and attempt to collect all funds due.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 928. Relating to Fayette County; to alter the organization and

composition of the county commission, provide for rotating the terms of chair of the commission; to reduce the compensation of the commission; to establish a shop and unit road system for the operation of the county roads and bridges; to provide for the employment of a clerk/administrator; to provide for the employment of a county engineer; to provide for the employment of a county supervisor; and to require members of the county commission to inspect the roads and bridges in their districts.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 928, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 933. Relating to Mobile County; providing further for the compensation of the circuit clerk of the county; and repealing Act No. 79-344, H. 690 of the 1979 Regular Session (Acts 1979, p. 558) and Act No. 84-481 of the 1984 Regular Session (Acts 1984, p. 1101), and any law which provides for an expense allowance or county supplement for the Circuit Clerk of Mobile County, for that purpose, only to the extent there is a conflict with this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 933, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 935. Relating to Lawrence County; establishing a recreation and drug abuse program; providing for funding of the program from money donated by Champion International; and providing for distribution of the funds by a board composed of the Circuit Judge, Sheriff, and the County Superintendent of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 935, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 947. Establishing the powers and authority and requirements of district attorney's investigators of the thirty-sixth judicial circuit of Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 900 and 933 - to the Committee on Local Legislation No. 3

HB's 913, 927, 928, 935, and 947 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis (With Notice and Proof):

H. 941. Relating to the City of Weaver in Calhoun County; to amend Section 6 of Act No. 84-405, H. 950, of the 1984 Regular Session (Acts 1984, p. 947), providing a Civil Service System for the City of Weaver, to increase the salary for members of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holladay (With Notice and Proof):

H. 943. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Ashville in St. Clair County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 950. To amend Section 5 of Act No. 91-719, H. 1096, 1991 Regular Session (Acts 1991, p. 1389), providing a planning and zoning commission for the unincorporated areas of Baldwin County, to further provide the procedure for adoption of ordinances and regulations.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 954. Relating to Baldwin County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 954, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 941, 943, 950, and 954 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Zoghby, Harper, Buskey, and Clark (W) (With Notice and Proof):

H. 914. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

H. 936. To amend further Section 5 of Act No. 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act No. 82-366, 1982 Regular Session (Acts 1982, p. 520), to provide for increases in benefits for retirees under the policemen's and firemen's retirement fund for the City of Anniston in Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 936, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Mikell (With Notice and Proof):

H. 939. Relating to Elmore County; amending Act No. 89-260, H. 567, 1989 Regular Session, which provided for the assessment and distribution of additional costs and charges in all circuit and district court cases, excluding small claims division, and established a juvenile court services fund, so as to increase said additional costs and charges from \$1 to \$3.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Powell (With Notice and Proof):

H. 940. To provide for the date of the regular monthly meeting of the Autauga County Commission, to repeal all other laws in conflict with the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 914 - to the Committee on Local Legislation No. 3

HB's 936, 939, and 940 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Poole (With Notice and Proof):

H. 951. Relating to Tuscaloosa County: to alter, rearrange and extend the boundary lines and corporate limits of the City of Tuscaloosa, annexing certain territory to the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 951, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 951 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

H. 765. Relating to persons sentenced as habitual offenders; to

amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 765 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Millican, White, McMillan, Penry, Harvey, Anderson, Holmes, Holley, Richardson, Bowling, Williams, Harper, Turnham, Fuller, Hill, Biddle, Beasley, Flowers, Hooper, Kennedy, Freeman, Parker (P), Drake, Newton (D), McDaniel, Smith (C), Ford, Carter, Butler, Turner, Buskey, Thomas, Starkey, Hall, Dolbare, Poole, Hogan, Willis, Blakeney, Gaston, Lindsey, Kvalheim, Gullatt, Hamilton, Campbell, Carothers, Black (L), Crow, Walker, Hawkins, Clay, Clark (W), Layson, Parker (T), Box, Burke, Sanderford, Cullins, and Cagle:

H. 563. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by a state college or university, including two-year colleges, and to provide for the disposition pursuant to an agreement between the division of property and colleges or universities by free and open competitive public auction or sealed bids.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 563 - to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Parker (T), Ford, Hooper, Bryant, Lindsey, Turnham, Kvalheim, Mikell, Grayson, Willis, Rogers (J), Blakeney, Layson, Richardson, Black (M), Box, Sanderford, Powell, McDaniel, Sanderson, Bowling, Gullatt, Rockhold, Hall, Hogan, Freeman, Parker (P), Knight (A), Hill, Gaines, Petelos, Rich, Hamilton, Smith (R), and Haney:

H. 480. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 480 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Butler, Harper, and Burke.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 192, the title of which is set out in the foregoing Message from the House.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Owens, Smith (B), Waggoner, Wilson, and Windom -23

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Dial, deGraffenried, and Corbett.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harvey, Beasley, Biddle, Cagle, Carothers, Carter, Collins, Curry, Dolbare, Freeman, Goodwin, Hall, Hamilton, Haney, Haynes, Hill, Holley, Johnson, Knight (A), Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Payne, Powell, Richardson, Sanderford, Smith (R), Venable, and Walker:

HJR 426. COMMENDING SOUTHERN LIVING FOR SELECTING THE STATE OF ALABAMA AND BLOUNT SPRINGS IN BLOUNT COUNTY AS THE SITE FOR BUILDING THE 1993 IDEA HOUSE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 426, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Laird:

HJR 411. HONORING MR. HERMAN L. MOORE OF ATLANTA, GEORGIA, UPON HIS RETIREMENT.

Also:

By Reps. Kvalheim, Gaston, Zoghby, McMillan, Penry, Buskey, and Harper:

HJR 422. COMMENDING JOHN B. SAINT, DON P. KELLY, AND CHESTER J. STEFAN FOR PURCHASING THE MITCHELL COMPANY FROM THE RESOLUTION TRUST CORPORATION.

Also:

By Reps. Kvalheim, Gaston, and Zoghby:

HJR 423. MOURNING THE DEATH OF SAMUEL McCOY JOHNSTON, JR., OF MOBILE, ALABAMA.

Also:

By Reps. Kvalheim, Gaston, and Zoghby:

HJR 424. COMMENDING DR. EDMUND "ED" DYAS ON HIS INDUCTION INTO THE 1993 MOBILE SPORTS HALL OF FAME.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolutions, HJR's 411, 422, 423, and 424, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Freeman:

HJR 409. AMENDING HJR 107, ACT NO. 92-89, 1992 REGU-

LAR SESSION, WHICH CREATED A BOARD TO COORDINATE THE SUPPORT AND PARTICIPATION BY THE STATE OF ALABAMA IN THE 1996 SUMMER OLYMPICS TO BE HELD IN ATLANTA, GEORGIA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 409, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bowling and Drake:

HJR 412. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 412, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Perdue, Holmes, Knight (J), and Rogers (J):

HJR 419. EXPRESSING LEGISLATIVE INTENT REGARDING THE EXPENDITURE OF FUNDS APPROPRIATED TO THE ALABAMA DEVELOPMENT OFFICE'S OFFICE OF MINORITY BUSINESS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 419, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Williams, Richardson, and Hall:

H. 62. To provide for a certain civil immunity from liability arising out of the death or injury resulting from participating in equine-related activities; to provide exceptions; to provide for contractual and sign warnings; and to provide definitions of terms.

By Reps. Black (M) and Campbell:

H. 193. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to provide for compensation of personal representatives; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-680, 43-2-681 and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 636. To authorize judges and justices of the Unified Judicial System of the State of Alabama to obtain permanently-issued permits to carry handguns exempt from the payment of state and local permit fees; and to provide for the revocation of those permits under certain circumstances.

By Reps. Carter and Parker (P):

H. 178. To amend Section 16-61-1, Code of Alabama 1975, to

include Athens State College within the universities that may participate in the Alabama Endowment Trust Fund for Eminent Scholars program.

By Rep. Carothers:

H. 347. To amend Sections 36-21-60, 36-21-61, and 36-21-63, Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund, to further provide for membership on the Board of Commissioners.

By Rep. Clark (W):

H. 469. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, relating to the Youth Services Department Special School District, to permit the district to provide education in juvenile detention facilities; and provide further for teachers in the district.

By Reps. Johnson, Beasley, Fuller, Newton (C), and Carothers:

H. 723. Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and services for persons caring for certain Alzheimer's disease patients, requiring certain legislative funding, and authorizing the levying of certain fees.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 540. To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in the discharges; and to provide enforcement of this requirement.

By Senator Foshee:

S. 670. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when the service area includes a resort area and the service area is incorporated or annexed into a municipality.

By Rep. Collins:

H. 20. To amend Section 11-50-393 of the Code of Alabama 1975, relating to fees for members and the chair of boards of directors of gas districts.

By Rep. Laird:

H. 770. To amend Section 11-98-2 of the Code of Alabama 1975, relating to the establishment of communication districts for emergency telephone service, to provide that communication districts shall be exempt from all taxation.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 456. To amend Section 8-17-221, Code of Alabama 1975, relating to permits from the State Fire Marshal for the sale of fireworks, to authorize the sale of fireworks in tents certified to meet certain standards of the National Fire Protection Association.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson, Biddle, Payne, Carothers, Mathis, Laird, Cullins, and Freeman (With Substitute):

H. 644. To amend Section 25-5-50, Code of Alabama 1975, relating to the Workers' Compensation Law, to remove the exception to the exemption for employers constructing single-family residences so that the workers' compensation law would only apply to employers constructing single-family residences who regularly employ more than 5 employees

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Notice and Proof):

S. 669. Relating to Covington County; amending Act No.

86-703, S. 17, 1986 1st Special Session, as amended, which authorizes the county commission to levy a sales tax, to alter the distribution of the proceeds from the tax.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Poole:

H. 702. To provide for the use of a videotaped deposition of a victim or witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Letson (With Notice and Proof)(With Substitute):

H. 763. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hill and Knight (A) (With Notice and Proof)(With Amendment):

H. 727. Relating to Shelby County; to establish a civil service system and provide for classified services; to establish a personnel board and provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; to exempt the chief clerks in the offices of the judge of probate, the tax collector, and the tax assessor from the civil service system and the classified services; and to provide penalties.

By Rep. Morrow (With Notice and Proof)(With Amendment):

H. 610. Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

By Rep. Parker (P) (With Notice and Proof)(With Amendment):

H. 66. Relating to Morgan County; amending Act No. 78-742, as amended by Act No. 80-276 so as to further define the terms "sale" and "sales" and to provide for the collection of the special county privilege license tax levied by said acts by the Morgan County Commission instead of the State Department of Revenue.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 176. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary circuit judges.

By Senator Parsons:

S. 430. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to paid vacation time for certain employees of county and city boards of education; to allow local boards of education to provide paid leaves of absence or vacations for all its respective employees.

By Senator Campbell:

S. 447. To create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

By Senator Escott-Russell:

S. 570. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

By Senator Dixon:

S. 577. To exempt Camp Alamisco from the payment of all state, county, and municipal sales and use taxes.

By Senator Wilson:

S. 601. To amend Section 11-88-6 of the Code of Alabama 1975, to change the maximum compensation of directors of certain authorities and provide a new method for fixing the compensation for directors of certain authorities, based on the number of customers billed; and to provide for ratification of past action in fixing compensation.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Substitute):

S. 604. To amend Sections 12-17-142 and 12-17-143, Code of Alabama 1975, relating to the terms of office and compensation of supernumerary clerks and registers and contributions to the clerks' and registers' supernumerary fund, to provide further for the compensation payable from the State Treasury, to increase the amount of contributions to the supernumerary fund, and to provide for an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 627. To amend Section 36-29-14, Code of Alabama 1975, to authorize certain employees of the Rural Community Fire Protection Institute to participate in the State Employees' Health Insurance Plan.

By Senator Wilson:

S. 633. Reopening the Employees' Retirement System to allow a certain confidential employee of an elected official to purchase up to one year of additional service credit for every seven years of service which the employee is credited with in the system; to provide for the member to pay the total cost of purchasing the additional service credit and to provide for a termination date.

By Senator Bailey:

S. 637. To make a supplemental appropriation from the General Fund in the State Treasury to the Alabama Commission on Aging for the Medicaid Waiver Program for the fiscal year ending September 30, 1993.

By Rep. Cullins:

H. 13. To amend Section 16-25-11.5, Code of Alabama 1975, to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

By Reps. McDowell and Zoghby:

H. 46. To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for returning officers, inspectors, and clerks.

By Reps. McDowell and Zoghby:

H. 47. To amend Section 17-4-153 of the Code of Alabama 1975, relating to the mileage allowance of members of boards of registrars.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turnham (With Substitute):

H. 133. To provide that any member of the employees' or teachers' retirement system, who, not more than one year prior to becoming a member of the system, was a member of the judicial retirement fund, may elect to transfer his or her creditable service and accumulated contributions from the judicial retirement fund to the employees' or teachers' retirement system.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ford:

H. 163. To amend Section 36-21-70, Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, relating to the

Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

By Reps. Knight (A), Mathis, and Gaines:

H. 572. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, to increase the creditable service allowable and authorize credit for either public education service or public service in other states.

By Rep. Penry:

H. 611. To further provide for the collection in certain cases of state and local sales and use tax by the tax collector or other revenue official of a county from the purchaser of a boat prior to registration by the judge of probate or other licensing official or a county or the Department of Conservation and Natural Resources; and to provide for the distribution of revenue.

By Rep. Hammett:

H. 654. To amend Section 40-18-14, Code of Alabama 1975, relating to the definition of gross income for state income tax purposes, to exclude contributions made by a participating employee to an eligible state deferred compensation plan as defined in 26 U.S.C. § 457.

By Rep. Knight (J):

H. 658. Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies deposited into the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Rockhold, Zoghby, Kvalheim, and Gaston:

H. 122. To amend Section 40-10-127 of the Code of Alabama 1975, to allow additional county officers to issue the certificate of redemption for lands sold for taxes; and would remove the requirement that the county treasurer countersign the certificate of redemption for land sold for taxes.

By Reps. Sanderford, Haney, Richardson, and McKee:

H. 355. To authorize any Class 3 municipality to acquire, construct, own, lease, sell, operate, and upgrade one or more cable communications systems and related facilities within its service areas to provide cable services and service-related activities in its service area; and to authorize any Class 3 municipality to enter into management agreements with private companies with respect to cable communications systems and to lease or sell cable communications systems and related facilities to private companies.

By Reps. Gullatt, Turnham, Laird, Fuller, Higginbotham, Williams, Flowers, Beasley, Carothers, Clark (J), and Mathis:

H. 464. To amend Section 41-9-311, Code of Alabama 1975, relating to the Historic Chattahoochee Historic Compact to provide further for the election and voting of the members of the Historic Chattahoochee Commission.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Beasley:

H. 405. To provide for the effect of reliance by creditors on a written opinion, regulation, or similar notice of the Superintendent of Banks as administrator of Chapter 19, Title 5, Code of Alabama 1975.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time, to-wit:

By Reps. Carothers, Beasley, and Mathis:

H. 715. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes when all the requirements of Amendment 425 to the Constitution of 1901, are fulfilled.

The above Bill was read a second time at length as required by the Constitution.

BILL REFERRED

Pursuant to the provisions of Senate Rule 51, the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, HB 715, referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES RESUMED

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time, to-wit:

By Rep. Black (L) (With Notice and Proof):

H. 840. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

BILL REFERRED

Pursuant to the provisions of Senate Rule 51, the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, HB 840, referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES RESUMED

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time, to-wit:

By Reps. Carothers, Mathis, and Beasley (With Notice and Proof):

H. 879. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

BILL REFERRED

Pursuant to the provisions of Senate Rule 51, the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, HB 879, referred to the Standing Committee on State Development and Tourism.

REPORTS OF COMMITTEES RESUMED

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Escott-Russell:

S. 571. To require each local school board to establish a written reduction-in-force policy.

By Senator Parsons:

S. 607. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

By Rep. Buskey:

H. 410. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, to delete the term socially maladjusted as a categorical condition which establishes eligibility for special education placement in public schools.

By Reps. Harper, Clark (J), Turnham, Fuller, Parker (P), Starkey, Dolbare, McDaniel, Penry, McClain, Hooper, Smith (C), Rogers (F), Harvey, Gullatt, Rockhold, Spratt, Richardson, Powell, Knight (J), Flowers, Carter, Hammett, Kvalheim, Gaston, Drake, Butler, Haynes, Zoghby, Clark (W), Bryant, Sanderford, McDowell, Barnes, Hogan, Beasley, and Millican:

H. 837. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

By Senator Bennett:

S. 667. To amend Sections 16-3-3, 16-16-10, 16-17-1, 16-18-1, 16-25A-8, 16-27-2, 16-27-5, 16-33-4, 16-33-7, 16-60-88, 16-60-89, 16-60-90, 16-60-110, 16-60-111.1, 16-60-111.2, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8, 16-60-113, 16-60-114, 16-60-132, 16-60-152, 16-60-170, 16-60-171, 16-60-172, 16-60-173, 16-60-190, 16-60-191, 16-60-193, 16-60-194, 16-60-195, 16-60-197, 16-60-198, 25-9-11, 31-6-5, 31-6-6, 31-6-12, 31-6-13, 31-6-15, 31-6-16, 32-14-5, 34-7-1, 34-7-4, 34-7-16, 34-7-17, 34-7-24, 36-16-11, 41-9-436, 41-9-784, 41-16-50, 41-16-51, 41-16-60, and 41-21-1, Code of Alabama 1975; replacing the term trade school with the term technical college and community college; defining certain terms; providing for the appointment and composition of the Advisory Boards of Southern Union College and Snead Junior College; providing for the transfer of certain property to the Frank Lee Youth Center; providing for the location of certain technical colleges; expanding the composition and providing for the appointment of the technical colleges advisory commission; and providing for a prospective effective date.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Fuller, Clark (J), Butler, Freeman, Smith (C), Harper, Letson, Hooper, Kennedy, Bryant, McMillan, Hawkins, Carter, Turnham, Sanderson, Petelos, Kvalheim, Zoghby, Powell, Curry, Knight (A), Gullatt, Parker (P), Black (L), Cosby, Harvey, Dolbare, Morrow, Venable, Morton, Rich, Gaines, Walker, Turner, White, Layson, McDaniel, Flowers, Cullins, Starkey, Millican, Higginbotham, Box, Rogers (F), Hogan, Barnes, Collins, McDowell, and Bugg (With Amendment):

H. 321. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Starkey:

H. 117. Providing for distinctive motor vehicle license tags or plates for supporters of "Square and Round Dance"; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

By Rep. Harper:

H. 399. To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of the fiscal year for the state, so as to change the date of said fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1993 through June 30, 1994; to authorize the Governor to promulgate procedures he deems necessary to implement the provisions of this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1993-94 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1994-95 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75% of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama, 1975.

By Rep. Venable:

H. 590. To amend Section 9-11-417, Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve, by providing for the issuance and sale of hunting and fishing licenses by licensed commercial fowl hunting preserve operators, and to provide for distribution of issuance and license fees.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Buskey:

H. 55. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

By Rep. Hooper:

H. 400. To establish the Alabama Legislative Commission on Total Quality Government Act of 1993.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 758. To authorize the County Commission of Bibb County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated in Bibb County, the special ad valorem tax for necessary public buildings, bridges, and roads which is authorized in Section 215 of the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy may be used only for the acquisition, construction, maintenance, and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 755. Relating to Shelby County; to further amend Section 7

of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

By Rep. Black (L) (With Notice and Proof):

H. 745. Relating to Sumter County; providing for the expense allowance and travel allowance for the county coroner, payable from county funds and repealing Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), relating to the coroner's compensation; and making the provisions retroactive to December 1, 1992.

By Rep. Blakeney (With Notice and Proof):

H. 743. Relating to Marengo County; specifically providing for a mileage allowance for the Coroner of Marengo County by amending Section 1 of Act No. 92-491, H. 827, 1992 Regular Session.

By Reps. Knight (A) and Hill (With Notice and Proof):

H. 742. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 728. Relating to Shelby County; providing for additional costs and charges in all Circuit and District Court cases and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of moneys in these funds.

By Rep. Rich (With Notice and Proof):

H. 711. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a cable television system and to furnish cable television to the residents of the city and to customers in the surrounding territory; prescribing its powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the

bond holders; and exempting the service from the regulation and control of the Alabama Public Service Commission.

By Rep. Richardson (With Notice and Proof):

H. 689. Relating to Jackson County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax for a new county jail; prescribing penalties and fixing punishment for violation of this act; providing for an advisory referendum; and providing for a termination date.

By Rep. Richardson (With Notice and Proof):

H. 656. Relating to Jackson County; to amend Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234) relating to the system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate, to provide that the special indexing fee shall be for the use of the Judge of Probate.

By Rep. Lindsey (With Notice and Proof):

H. 617. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Rep. Collins (With Notice and Proof):

H. 614. Relating to Lamar County; to require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; and to provide that the system shall constitute official and permanent records in Lamar County.

By Rep. Powell (With Notice and Proof):

H. 603. Proposing an amendment to Amendment No. 493 to the Constitution of Alabama of 1901, pertaining only to Autauga County, to provide further for the compensation of the Judge of Probate.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Powell (With Notice and Proof):

H. 602. Relating to Autauga County; providing further for the compensation of poll workers.

By Reps. Drake and Bowling (With Notice and Proof):

H. 584. Relating to Cullman County; providing further for the compensation of poll workers.

By Rep. Morrow (With Notice and Proof):

H. 580. Relating to Franklin County; providing for the incorporation of the Franklin County Water Service Authority as a public corporation for the purpose of furnishing water service in a service area that may be extended into one or more other counties by amendment to the certificate of incorporation; providing for the appointment, election, and compensation of directors of the authority; providing for the powers, authorities, and duties of the authority and its board of directors; providing for the establishment, revision, and collection of charges for water facilities or services rendered by it; providing for the assumption by the authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; authorizing any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state to aid and cooperate with, lend, or donate money to, perform services, or transfer any water facility, or other property or asset to the authority; providing that the rendition by the authority of those services or facilities is a governmental function; exempting the authority from all tort liability in connection with water services or facilities; exempting the authority, its property, corporate activities, income, revenues, and securities from all taxation in this state and from the payment of certain charges to Judges of Probate; providing for the use of public roads in the state by the authority; providing for the dissolution of the authority and the disposition of its property; providing for auditing; providing that funds of the authority may be used to aid in applying for available grants; specifically abolishing existing authorities; and specifically repealing Act No. 88-914, S. 222, 1988 Regular Session (1988 Acts, p. 492.)

By Rep. Mathis (With Notice and Proof):

H. 532. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Geneva in Geneva County.

By Rep. Richardson (With Notice and Proof):

H. 497. Relating to Jackson County; providing for an additional expense allowance and salary for the sheriff.

By Rep. Lindsey (With Notice and Proof):

H. 489. Relating to Cherokee County; providing for an additional expense allowance and salary for the coroner and an effective date.

By Rep. Hill (With Notice and Proof):

H. 463. Relating to Shelby County, repealing Act 92-225 and Act 92-400 of the 1992 Regular Session, both of which permitted persons engaged in certain real estate businesses to serve on certain planning, zoning, or subdivision boards or commissions.

By Reps. Black (M) and Goodwin (With Notice and Proof):

H. 461. Relating to the City of Sheffield in Colbert County; to amend Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989, p. 247), relating to declaring certain items a public nuisance, to correct a citation and to require the time and location of a meeting regarding the declaration be specified on the posted notice.

By Reps. Walker, Mikell, and Hooper:

H. 416. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Rich and McDaniel (With Notice and Proof):

H. 389. Relating to Marshall County; authorizing the sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; and providing for the disposition of the net revenues generated from the sale.

By Reps. Rich and McDaniel (With Notice and Proof):

H. 388. Relating to Marshall County; establishing a sheriff reserve within the county sheriff's department.

By Rep. Hall (With Notice and Proof):

H. 373. Relating to Jackson County; requiring certain county-owned motor vehicles to be marked in a certain manner for identification purposes and to provide penalties for violations of this act.

By Reps. Carter and Hamilton (With Notice and Proof):

H. 305. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

By Rep. Dolbare (With Notice and Proof):

H. 221. Relating to Washington County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

By Rep. Dolbare (With Notice and Proof):

H. 220. Relating to Washington County; providing for additional expense allowance and salary for the sheriff.

By Rep. Ford (With Notice and Proof):

H. 45. Relating to the City of Attalla; amending Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, relating to the city board of education, to provide for the election of the chair and vice-chair of the board annually and to increase the compensation of the board from \$100 per month to \$300 per month.

By Rep. Cullins (With Notice and Proof):

H. 38. Relating to Tallapoosa County; amending Section 1 of Act No. 92-493, H. 708 of the 1992 Regular Session, relating to the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, to correct the range description.

By Rep. Dolbare (With Notice and Proof):

H. 12. Relating to Washington County; to alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Chatom in Washington County, Alabama.

By Rep. Collins (With Notice and Proof):

H. 8. Providing for the establishment of a merit system for the county law enforcement officers, radio operators, jailers and law enforcement support personnel in Fayette County; and providing for a merit system board governing the removal and official conduct of such county employees.

By Rep. Fuller (With Notice and Proof):

H. 852. Relating to Chambers County; providing further for the compensation of the sheriff.

By Reps. Drake and Bowling (With Notice and Proof):

H. 848. Relating to Cullman County; authorizing the county

commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act and providing for a referendum on this act.

By Rep. Holmes (With Notice and Proof):

H. 844. Relating to Montgomery County; pertaining to the Retirement System for Employees' of Montgomery County, to amend Section 4 of Act No. 356 of the Legislature of Alabama of 1973 to provide for employees with prior employment with the State of Alabama or subdivision thereof to purchase credit in the Retirement System for Employees' of Montgomery County; and to allow those county employees who, but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature, would have contributed to the Retirement System for Employees' of Montgomery County to pay the amount not deducted plus interest and thereby receive credit for membership in the Retirement System for Employees' of Montgomery County for the period of time when such monies were not contributed.

By Reps. Black (L) and Blakeney (With Notice and Proof):

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

By Rep. Black (L) (With Notice and Proof):

H. 839. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

By Rep. Anderson (With Notice and Proof):

H. 835. Relating to Morgan County; providing for an additional expense allowance and salary for the coroner.

By Rep. Anderson (With Notice and Proof):

H. 834. Relating to Morgan County; providing further for the compensation of poll workers.

By Rep. Beasley (With Notice and Proof):

H. 828. Relating to Henry County; providing for additional court costs in all criminal and civil cases other than small claims court, with the proceeds to be placed in a fund to be used to build a new county jail.

By Rep. Hammett:

H. 825. To propose an amendment to the Constitution of Alabama of 1901, relating to Covington County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to the fire departments and to the rescue squads; providing for expenditure and accounting of the funds; providing for treatment of funds upon dissolution or abandonment of a fire department or rescue squad; granting immunity from certain liability to the county and providing for a referendum election on the amendment.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Holladay (With Notice and Proof):

H. 823. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Argo in St. Clair County.

By Rep. Holladay (With Notice and Proof):

H. 822. To amend Section 3 and 4 of Act No. 92-248, H. 552, 1992 Regular Session (Acts 1992, Act No. 92-248, p.602), to provide that candidates for the Board of Education for the City of Pell City, Alabama, shall have earned a high school diploma or its equivalent and that the initial election of board members be staggered.

By Rep. Flowers (With Notice and Proof):

H. 821. Relating to Pike County; providing for the election and compensation of the Chair of the Pike County Commission.

By Rep. Flowers (With Notice and Proof):

H. 820. Relating to Pike County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

By Rep. Flowers (With Notice and Proof):

H. 818. Relating to Pike County; to provide a salary for the Judge of Probate of Pike County.

By Reps. Rich and McDaniel (With Notice and Proof):

H. 816. Regulating the liquor traffic in Marshall County; pro-

viding for certain taxes on alcoholic beverages in any community development district in the county and distributing the proceeds from the taxes.

By Reps. McDaniel and Rich (With Notice and Proof):

H. 815. Relating to Marshall County; to provide for the appointment, authority, and terms of office of the emergency telephone service board of commissioners.

By Rep. Parker (P) (With Notice and Proof):

H. 813. To authorize the Morgan County Commission and any municipality located in Morgan County to contract for the administration and enforcement by the Morgan County Commission of any tax or license ordinance enacted by such municipality and the collection of taxes and license fees due thereunder; to provide for compensation for the Morgan County Commission in providing said services; to provide powers and authorities to the Morgan County Commission in administering and enforcing said tax and license ordinances; to provide for severability; and to provide an effective date.

By Rep. Hill (With Notice and Proof):

H. 799. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

By Rep. Hill (With Notice and Proof):

H. 794. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

By Reps. Beasley and Carothers (With Notice and Proof):

H. 781. Relating to Houston County; providing for the county commission to reimburse the office of license commissioner, judge of probate, or revenue commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

By Rep. Letson (With Notice and Proof):

H. 779. Relating to Lawrence County; to alter, rearrange, and extend the boundary lines and corporate limits of the Town of North Courtland to cause areas east of and contiguous to existing corporate limits to be included within the Town.

By Rep. Holley (With Notice and Proof):

H. 777. Relating to Coffee County, to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of the licenses.

By Rep. Holley (With Notice and Proof):

H. 776. To amend Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), relating to Coffee County and providing a special recording fee for documents filed in the office of the judge of probate, to further provide for the distribution of the fee.

By Rep. White (With Notice and Proof):

H. 774. To authorize the City of Brewton in Escambia County to construct, maintain and operate a cable television service.

By Rep. White (With Notice and Proof):

H. 767. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brewton in Escambia County.

By Rep. White (With Notice and Proof):

H. 766. Relating to Escambia County; to repeal Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) of the Legislature of Alabama, providing salaries for the sheriff's deputies and fixing the number of deputies.

By Rep. White (With Notice and Proof):

H. 762. Relating to Escambia County; providing further for the compensation of poll workers.

By Rep. Letson (With Notice and Proof):

H. 761. Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

By Rep. Letson (With Notice and Proof):

H. 760. Relating to Lawrence County; authorizing the sheriff to

retain funds accruing from the pay telephones and vending machines in the county courthouse in a special fund to be used by the sheriff for law enforcement purposes.

By Rep. Burke (With Notice and Proof):

H. 918. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

By Rep. Cullins (With Notice and Proof):

H. 905. Relating to Tallapoosa County; providing for the operation and management of an inmate commissary at the Tallapoosa County detention facility, retroactive to April 7, 1992.

By Rep. Clark (J) (With Notice and Proof):

H. 902. Relating to Barbour County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

By Rep. Venable (With Notice and Proof):

H. 899. Relating to Coosa County; providing that the judge of probate shall maintain a general register for certain instruments filed in the office.

By Rep. Venable (With Notice and Proof):

H. 897. Relating to Coosa County; to repeal Act No. 830, H. 1091, 1969 Regular Session, relating to the compensation of the county solicitor.

By Rep. Venable (With Notice and Proof):

H. 896. Relating to Coosa County; to repeal Act No. 285, H. 249, 1965 Regular Session, as amended, relating to the reimbursement of certain expenses of the county solicitor.

By Rep. Venable (With Notice and Proof):

H. 895. Relating to Coosa County; to repeal Act No. 946, H. 1752, 1975 Regular Session, relating to the supernumerary status of the sheriff.

By Reps. Cosby, Bryant, and Thomas (With Notice and Proof):

H. 894. To amend Act No. 88-387, H. 778, 1988 Regular Ses-

sion, (Acts 1988, p. 576), relating to Dallas County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee; and to repeal Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), relating to Dallas County, and providing the fee for the issuance of a pistol permit by the sheriff.

By Rep. Anderson:

H. 893. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Decatur City Board of Education.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Layson (With Notice and Proof):

H. 889. Relating to Pickens County; abolishing the office of constable.

By Reps. Bryant, Cosby, and Thomas (With Notice and Proof):

H. 882. Relating to Dallas County; providing for certain additional issuance fees on motor vehicle license tags and plates and distributing the proceeds from the additional fees.

By Rep. Laird (With Notice and Proof):

H. 881. Relating to Clay County; to provide that the county commission may establish and adopt voting centers by resolution.

By Reps. Poole, Parker (T), Layson, Melton, and Cagle (With Notice and Proof):

H. 878. Relating to Tuscaloosa County; to provide the procedure for members of the Tuscaloosa County Board of Registrars to be covered under the Tuscaloosa County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Tuscaloosa County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

By Reps. Poole, Parker (T), Layson, and Cagle (With Notice and Proof):

H. 877. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire

protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

By Rep. Crow (With Notice and Proof):

H. 876. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session, which provides for a civil service system for the city, to provide further for compensation of the board members and the chair of the board.

By Rep. Drake (With Notice and Proof):

H. 871. Relating to Morgan County; providing that all existing expense allowances for a county commissioner shall be incorporated into his or her salary beginning with the next term of office of the commissioner.

By Rep. Cullins (With Notice and Proof):

H. 870. Relating to the Sheriff of Tallapoosa County; providing that the sheriff shall be responsible for the training and supervision of all employees of the office of the sheriff.

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 868. Relating to Bibb County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

By Reps. Smith (C) and Knight (A) (With Notice and Proof):

H. 867. Relating to Bibb County; providing for an additional special transaction fee on certain property when it is assessed for ad valorem taxes and providing for disposition of funds from the additional fees.

By Reps. Hogan and Cagle (With Notice and Proof):

H. 862. Relating to the Fourteenth Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Fourteenth Judicial Circuit.

By Reps. Hogan and Cagle (With Notice and Proof):

H. 861. Relating to Walker County; to provide for the temporary

release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work release programs in Walker County; and to repeal conflicting laws.

By Rep. McDaniel (With Notice and Proof):

H. 860. Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

By Reps. Fuller and Laird (With Notice and Proof):

H. 856. Relating to Chambers County; providing for the appointment of the county superintendent of education; repealing Act No. 71, S. 96, 1935 Regular Session, which provided for the election of the county superintendent; and providing for a referendum.

By Reps. Knight (A) and Hill:

H. 855. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

RECESS

At 9:30 A.M., on motion of Senator Corbett, the Senate took a recess subject to the call of the Chair.

At 10 o'clock A.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

RESOLUTION

Senator Foshee offered the following Senate Resolution, to-wit:

SR 112. INVITING GOVERNOR JAMES E. FOLSOM, JR. TO ADDRESS THE SENATE.

WHEREAS James E. Folsom, Jr., Governor of Alabama, has many issues facing him as new governor; and

WHEREAS, the Senate desires to assist the governor in having an orderly transition;

NOW THEREFORE BE IT RESOLVED that the Senate of Alabama invites the Honorable James E. Folsom, Jr., Governor of the State of Alabama, to address the Senate at his convenience.

On motion of Senator Foshee, the Resolution was adopted by the Senate.

RECESS

At 10:05 A.M., on motion of Senator Foshee, pursuant to the provisions of SR 112, the Senate took a recess subject to the call of the Chair to hear the message of the Honorable James E. Folsom, Jr., Governor.

At 10:10 A.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

Presently there are numerous appointments to boards and commissions in committee of the Senate. I respectfully request that

these names be withdrawn and returned to this office. Enclosed are the names requested to be withdrawn.

With warm personal regards, I remain

JIM FOLSOM, JR.,
Governor.

Enclosure

ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY BOARD OF TRUSTEES

Jacob Savage

ALABAMA STATE UNIVERSITY BOARD OF TRUSTEES

Ed Richardson

ALCOHOLIC BEVERAGE CONTROL BOARD

Michael K. James

Chester O. Stephens, Jr.

Audrey C. Wright

CAHABA TRACE COMMISSION

Mary Auburtin

Elise Blackwell

Alfred C. Carraway

Jack Crouch

Mary Fuzzell

Geneva Y. Givhan

John Glover

Henry T. Henzel

Mary A. Neeley

Ralph R. Norman, III

Frances Roberts

Jean D. Rosene

ENVIRONMENT MANAGEMENT COMMISSION

Joanne E. Boyd

Crampton Harris

W. D. McGiffert

FARMER'S MARKET AUTHORITY

George Kaiser

Bedsole Mosely

Mary A. Sheppard

Jack Thompson

FORESTRY COMMISSION

John Goodson, Jr.

Guice Slawson

Claude Swift

INSTITUTE FOR DEAF AND BLIND - BOARD OF TRUSTEES

Ray Robbins

LIVINGSTON UNIVERSITY BOARD OF TRUSTEES

Terry Bunn

James Joiner

Joe C. McCorquodale, Jr.

Leigh Peques

Winton E. Wise

REAL ESTATE APPRAISERS BOARD

F. L. Clark

Lanett Davis

Phil Fowler

Robert E. Nesbitt

Zac Perry, Jr.

George A. Washington

REAL ESTATE COMMISSION

Leon Crawford

Martha Harlan

STATE DOCKS ADVISORY COMMITTEE

William T. DeRamus

TRUST FUND BOARD

Winton M. Blount

Foster Clark

TUSCALOOSA CITY CIVIL SERVICE BOARD

Wallace Lancaster

Anne Odom

GOVERNOR'S MESSAGE

The foregoing Message from the Governor relative to appointments by former Governor Guy Hunt was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 424. To further provide for certain fishing licenses; to pro-

vide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 322. Imposing additional fines on persons convicted of offenses involving driving under the influence and providing for administration and disposition of the proceeds from the additional fines.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 675. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Senators Dial and Mitchell offered the following Senate Joint Resolution, to-wit:

SJR 113. COMMENDING THE TROY STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, the Alabama Legislature extends its heartiest congratulations to Coach Don Maestri and Troy State University on their record-breaking basketball season, a season in which the Trojans achieved the highest ranking in school history, with a second place finish in NCAA Division II; and

WHEREAS, the Trojans posted an impressive 27-5 record, the most wins ever by a Troy State team and the most wins by any college

team in the state this year; they scored an amazing 3,566 points for a school record 111.4 points per game; and

WHEREAS, under the brilliant tutelage of Head Coach Don Maestri and assistant coaches David Felix and Jerry Hester, student coaches Andy Davis and Red Calvert, as well as team trainer Bobby Templin, the Troy State Trojans won the South Region Tournament, thus advancing to the "Elite Eight" in Springfield, Massachusetts; and

WHEREAS, special congratulations should go to senior forward and first-team All-American Terry McCord who averaged 24.4 points and 6.6 rebounds per game, along with his talented teammates Tommy Davis, Chris Greasham, Brian Simpson, Fred Bryant, Dandrea Evans, Steve Hunt, Bryant Johnson, Miquill Jones, Brian Saunders, and Chris Williams; and

WHEREAS, the commendable success achieved by these fine athletes has brought honor and distinction to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Don Maestri and the Troy State Trojans on their record-breaking season, and do further direct that copies of this resolution be forwarded to the University for appropriate presentation and display.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Joint Resolution, to-wit:

SJR 114. COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Alabama Legislature most heartily congratulates the Livingston High School Cougars on winning the semi-finalist position of the 1993 Class 4A State Tournament and an all around outstanding record of 23-6; and

WHEREAS, under the talented leadership of Head Coach Kenneth Threadgill and assistants the Cougars have clawed their way to a very successful basketball season winning many honors; and

WHEREAS, greatly contributing to the accomplishments of this 1992-93 spectacular season were Lynwood Bonner, who was selected for the All State Tournament Team, and James Bias, Cleon Kennedy,

Harold Pope, Scottie Jones, Rodney Drish, Kelvin Ivory, Kenneth Harris, Lene Freeman, Frederick Wade, Terry Idrell, and Eddie Bell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding basketball achievement, we most highly commend Coach Kenneth Threadgill, Principal Ms. Lula Larkins, the students, and particularly the Livingston High School Cougars as the 1992-1993 State Class 4A Semi-Finalist in the State Tournament, and do further direct that copies of this resolution be forwarded to Coach Threadgill and Ms. Larkins for appropriate presentation and school display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

SJR 115. COMMENDING THE SELMA HIGH SCHOOL SAINTS ON AN OUTSTANDING 1993 BASKETBALL SEASON.

WHEREAS, the 1993 basketball season was a thrilling one for the Selma High School Saints, a season of championships and heartbreaking close losses; in the end the Saints had captured the 6A Area Championship, the Substate Championship, and had advanced to the 6A State Playoffs for the third time in four years; and

WHEREAS, the Saints, who finished the season with 18 wins and 11 losses, defeated Carver High School, a team which had beaten them by 30 points two weeks earlier, and Jeff Davis to capture the Area 6 Crown; they beat Auburn and Anniston High Schools for the Substate Championship, before falling to Dothan 76-75 in the first round of the State class 6A Playoffs; and

WHEREAS, the Selma High School Saints achieved these remarkable accomplishments under the guidance of Head Coach Willie E. Maxey, Jr., who has led his team to the State Playoffs three of the last four years; he was most ably assisted by Coaches Anthony Harris and Willis Wright, III; and

WHEREAS, the team's roster of champions consists of All State Tournament team member Donnie Johnson, along with teammates Byron Evans, Donald Garrett, Antonio Harris, Eric Hyatt, Keith James, Nakia Johnson, Terrance Johnson, Fred Lawrence, Kelvin Lett, Jarrin Lewis, Terrick Maul, William Miller, Marcus Thomas, Demetrius Whitlock, and Horatio Solomon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding accomplishment, we hereby most highly commend Coach Willie E. Maxey, Jr., and the Selma High School Saints, and do further direct that copies of this resolution be forwarded to Superintendent James H. Carter and Principal Fredrick D. Reese for appropriate presentation and display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

SJR 116. COMMENDING THE DALLAS COUNTY HIGH SCHOOL HORNETS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, it is with the highest commendation that the Legislature of Alabama most heartily congratulates the 1993 Dallas County High School Hornets on their outstanding basketball season; and

WHEREAS, the Hornets, who finished the season with an impressive 15 and 10 record, won the Thorsby Invitational Tournament and the 4A Area Regional Championship; and

WHEREAS, amazingly, every one of the Hornets starting five players were placed on the All-Tournament team, with Cedric Dixon winning the most valuable player award; other members of the All-Tournament team are Kendaka Sanders, Kenneth Williams, Tim Williams, and Ronald Gill, along with their talented teammates Maurice Walters, Michael Blevins, Richard Martin, Jerome Houser, Prentice Gutheridge, Michael James, and Charles Johnson; and

WHEREAS, the Hornets achieved their success under the fine leadership of Head Coach Alan Shelton and Assistant Coach Marvin Harris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Alan Shelton and the Dallas County High School Hornets, and direct that copies of this resolution be forwarded to William E. Griffin, Principal, and Marvin K. Warren, Jr., Superintendent, for appropriate presentation and display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

SJR 117. COMMENDING THE SOUTHSIDE HIGH SCHOOL PANTHERS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with the highest commendation that the Legislature of Alabama most heartily congratulates the 1993 Southside High School Panthers on their outstanding basketball season; and

WHEREAS, under the brilliant direction of Coach Frankie Peoples and Assistant Coach Jim Parker, the Panthers posted a fantastic 20 and 9 season, defeating Escambia County High School 62-52 in the State Class 5A Semi-Finals before losing to Wenonah High School of Birmingham; and

WHEREAS, the team's roster of fine athletes consists of All State Tournament player Casey Green, along with teammates Arthur Pickett, Steve Thomas, Eric Shaw, John Small, Donald Lewis, Derrick Hardy, Eric Wilson, Roy Petterson, Greg Jones, Kendrick Sanders, and John Sullivan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we most highly commend Coach Frankie Peoples and the Southside High School Panthers Basketball Team on their successful season, and do further direct that copies of this resolution be forwarded to Superintendent Marvin K. Warren, Jr., and Principal Ollis Grayson, Jr., for appropriate presentation and display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

SJR 118. URGING THE MEMBERS OF THE UNITED STATES CONGRESS TO REMOVE THE STATUE OF ALBERT PIKE WHICH CURRENTLY STANDS IN WASHINGTON, D.C.

Which was read and referred to the Standing Committee on Rules.

Senator Parsons offered the following Senate Resolution, to-wit:

SR 119. REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE ALCOHOLIC BEVERAGE CONTROL BOARD TO DETERMINE THE NUMBER OF ELECTRONIC GAME MA-

CHINES DESIGNED FOR ENTERTAINMENT BUT USED FOR GAMING IN THE STATE OF ALABAMA AND THE REVENUE GENERATED IF OPERATED LEGAL.

Which was read and referred to the Standing Committee on Rules.

Senators Little and Dial offered the following Senate Joint Resolution, to-wit:

SJR 120. MOURNING THE DEATH OF WALLACE O. WHALEY.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mr. Wallace O. Whaley of Roanoke, Randolph County, on April 13, 1993, at the age of 71 years; and

WHEREAS, Wallace O. Whaley, affectionately known as "Tiny," grew up to know first hand the value and reward of hard work, having left home at the age of 15 to join the CCC Camp (Civilian Conservation Corps) to support his family; and went on later to be a successful businessman in the State of Alabama; and

WHEREAS, Wallace O. Whaley was an outstanding American patriot who served his country with courage and distinction in World War II beginning in September, 1942, in the United States Marine Corps and participated in action against the enemy at Saipan, Tinian, the Marianas Islands, and the Bolcano Islands, and was also a member of the first wave that invaded Iwo Jima on February 19, 1945, and continued in action until it was conquered and the American Flag was raised on March 16, 1945; and

WHEREAS, this man's generosity, quick wit, and good humor attracted friends whose number are legion; and

WHEREAS, Wallace O. Whaley was indeed a man of good works, a very honorable man, and a truly distinguished Alabamian who used his talents for the betterment of the citizens of his state and country; and

WHEREAS, the death of Wallace O. Whaley has truly left a void in the life of the community, and in the hearts of his family and many, many friends, and whose life was a blessing and his loss a source of grief to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Wallace O. "Tiny" Whaley and extend deepest sympathy to his wife, Mrs. Jean Knight Whaley, and his children, Judge Wallace Patrick Whaley, Susan Whaley Salatto, Lora Whaley Jones, and Pamela Whaley Daniel, for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner offered the following Senate Joint Resolution, to-wit:

SJR 121. CONGRATULATING MARIANTHE GRAMMAS.

WHEREAS, Marianthe Grammas, a senior at Vestavia Hills High School and one of the top girl soccer players in the state and nation, will attend Stanford University where she will play for one of the premier women's soccer programs in the nation; and

WHEREAS, she began playing soccer on all-boy teams in kindergarten, advancing to a girl's league at age 13; and

WHEREAS, she refined her skills on the field, playing four seasons as a goalie, and now plays center forward (striker) at Vestavia Hills; and

WHEREAS, she has played in several out-of-state tournaments, including the prestigious Washington Area Girls Soccer Tournament in Alexandria, Virginia, the largest in the nation; and

WHEREAS, she is an excellent student who maintains a 4.38 grade point average on a 4.0 scale by taking advanced courses; and

WHEREAS, Marianthe Grammas applied to and has been accepted at four of the top universities in the country: Stanford, Vanderbilt, Virginia, and Yale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Marianthe Grammas on her superior athletic and academic achievements, and wish her the best at Stanford University.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Marianthe Grammas.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SB 569

The Senate proceeded to further consideration of the Bill:

S. 569. To amend Section 38-4-12, Code of Alabama 1975, to

further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

having been postponed on the Twenty-Fifth Legislative Day, was taken up.

Senator Dial offered the following amendment to the Bill, SB 569, to-wit:

AMENDMENT TO SB 569

On page 1, line 14, in the Synopsis, after the word "Memorial" insert the following:

and the Alabama National Guard Historical Society

On page 1, line 26, in the title after the word "sailors" insert: , and the Alabama National Guard Historical Society

On page 3, lines 9 and 10, delete the underlined language "continue as provided in that section prior to the passage of this act" and insert in lieu thereof:

then be appropriated to the Alabama National Guard Historical Society up to a maximum of \$1,000,000

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, and Windom -23

Nays:

- 0

And said Bill, SB 569, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, and Windom -23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 419. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

GREG PAPPAS,
Clerk.

BILL RECOMMITTED

Senator Lindsey requested and received unanimous consent in order to bring up the Bill:

H. 352. To prohibit and make unlawful certain campaign contributions to candidates for judicial office; and to provide for criminal penalties.

Senator Lindsey then moved that the Bill, HB 352, be removed from the calendar and recommitted, which motion was adopted.

And the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, HB 352, recommitted to the Standing Committee on Public Welfare.

RESOLUTION

Senator Owens offered the following Senate Joint Resolution, to-wit:

SJR 122. DESIGNATING THE ROUTE OF THE CAHABA TRACE AS THE CAHABA TRACE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following route is hereby designated as the Cahaba Trace of Alabama, to wit:

Begin at the Cahaba River bridge in Trussville on Federal Highway 11, then proceed south on Highway 11 to its intersection with Federal Highway 31 in Birmingham; then proceed south on Highway 31 to its intersection with State Highway 150 in Hoover; then proceed west on Highway 150 to its intersection with Jefferson County Road 18 in Bessemer; then proceed south on Road 18. Entering Tuscaloosa County, Road 18 becomes Tuscaloosa County Road 97. Continue south on County Road 97 past Tannehill State Park and enter Bibb County. At the intersection of Bibb County Road 97 and Bibb County Road 27 in the community of Woodstock, proceed south on Bibb County Road 27 to its intersection with State Highway 5; proceed south on Highway 5 to its intersection with County Road 24 in West Blocton; then proceed east on Road 24 over the Cahaba River bridge at Piper to its intersection with Bibb County Road 65; then proceed south on Road 65 to its intersection with State Highway 25; then proceed south on Highway 25 through the cities of Centreville and Brent. In Brent, Highway 25 merges with State Highway 5. Proceed south on Highway 5 to the City of Marion. At the intersection of Highway 5 and State Highway 14 in Marion, proceed east on Highway 14 to Sprott. Follow Highway 14 south from Sprott and into Dallas County to its intersection with Federal Highway 80; then proceed east on Highway 80 to its intersection with State Highway 22; then proceed south on Highway 22 which is Broad Street in the City of Selma; then continue to follow Highway 22 west out of the City of Selma to its intersection with Dallas County Road 9; then proceed south on Road 9 to its intersection with Dallas County Road 2; then proceed east on Road 2 to its termination at Old Cahawba.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating the aforementioned route as the "Cahaba Trace of Alabama."

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 280. To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend

immediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 148. To amend Section 9-13-82, Code of Alabama 1975, relating to forest products privilege and severance taxes.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 182. To provide for special procedural due process rights for law enforcement officers during certain disciplinary investigations of the officers.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 360. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 445. To amend Section 40-23-5, Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 446. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitation.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 481. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

DON HALE,
Chairperson.

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

SR 123. REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE ALCOHOLIC BEVERAGE CONTROL BOARD TO DETERMINE THE NUMBER OF ELECTRONIC GAME MACHINES DESIGNED FOR ENTERTAINMENT BUT USED FOR GAMING IN THE STATE OF ALABAMA AND THE REVENUE GENERATED IF OPERATED LEGALLY.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the Department of Public Safety and the Alabama Beverage Control Board is requested to determine the number of electronic game machines designed for entertainment but used for gambling purposes that are presently in operation in Alabama, and the revenue that would be generated if operation of the machines were made legal throughout the State.

Furthermore the departments are also requested to provide the Senate their findings by the 30th legislative day of the 1993 Regular Session, and with an estimate of the revenue generated by the above described machines if they were legally licensed to pay a cash prize.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the Department of Public Safety and the Alcoholic Beverage Control Board.

On motion of Senator Parsons, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 632, adopted.

Yeas 25 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 632. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0**Yeas:****Senators:**

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

POINT OF PERSONAL PRIVILEGE

Senator Little requested that the Journal reflect that his vote in favor of Senate Bill 569 was in error and requested that the Journal reflect his opposition to Senate Bill 569.

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 302.

Senator Windom, B.I.R., SB 302, adopted.

Yeas 20 Nays 0**Yeas:****Senators:**

Bailey, Barron, Bedsole, Bolling, Campbell, Ellis, Escott-Russell,

Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens,
Parsons, Sanders, Smith (J), and Windom -20

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 302. Relating to any county having a population of 300,000 or more inhabitants, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the police jurisdiction, fire protection, planning commission, or zoning of any municipality in the county; providing that the police jurisdiction, fire protection, planning commission, or zoning of the respective municipality shall be coterminous with the corporate limits of the respective municipalities existing in the county, on the effective date of this act, and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

was taken up.

Senator Windom offered the following substitute for the Bill, SB 302, to-wit:

SUBSTITUTE FOR SB 302

**A BILL
TO BE ENTITLED
AN ACT**

Relating to any county having a population of 300,000 or more inhabitants, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the police jurisdiction, fire protection, planning commission, or zoning of any municipality in the county; providing that the police jurisdiction, fire protection, planning commission, or zoning of the respective municipality shall be as the city limits of the respective municipalities exist in the county, on the effective date of this act unless the city limits extend in the future, and further providing for the regulations of the planning commissions outside the corporate limits; and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, are amended to read as follows:

"§11-40-10.

"(a) The police jurisdiction in cities having 6,000 or more inhabitants shall cover all adjoining territory within three miles of the corporate limits, and in cities having less than 6,000 inhabitants and in towns, the police jurisdiction shall extend also to the adjoining territory within a mile and a half of the corporate limits of such city or town.

"Ordinances of a city or town enforcing police or sanitary regulations and prescribing fines and penalties for violations thereof shall have force and effect in the limits of the city or town and in the police jurisdiction thereof and on any property or rights-of-way belonging to the city or town; except as otherwise herein provided.

"(b) For purposes of the police jurisdiction, fire protection, the jurisdiction of the planning commission, or zoning in the municipalities, in counties having a population of 300,000 inhabitants or more, but less than 600,000 inhabitants, according to the 1970 federal decennial census, the police jurisdiction, fire protection, the jurisdiction of the planning commission, or zoning shall be frozen as they exist in the respective municipalities in the county existing on the effective date of this act. Future expansion of corporate limits shall not extend jurisdiction beyond the limits of the jurisdiction on the effective date of this act, unless the city limits extend. The regulations of the planning commissions of the respective municipalities outside the respective corporate limits shall be no more stringent than the county regulations. The regulations of the planning commissions of the respective municipalities outside the respective corporate limits shall be no more stringent than the county regulations."

"§11-52-30.

"(a) The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality; ~~except that, in the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such the municipalities; provided further, that in all counties having a population of 600,000 or more according to the 1950 federal census or any succeeding decennial federal census, the county planning and zoning commission shall be invested with such the authority, except and unless the municipality or municipalities in question is/are actively exercising zoning jurisdiction and control within said the police jurisdiction and/or five mile jurisdiction or, in the case of a municipality subsequently incorporated, within 180 days from the date of its incorporation; provided, further, that in all counties having a~~ population of 600,000 or more inhabitants according to the 1950 federal

census or any succeeding decennial federal census, the county commission ~~of such county~~ shall have the right and power to establish minimum specifications and regulations governing the lay-out, grading, and paving of all streets, avenues and alleys and the construction or installation of all water, sewer or drainage pipes or lines in any subdivision lying wholly or partly in areas outside the corporate limits of ~~any the municipality in such counties~~ the county and relating to subdivisions lying within the corporate limits of ~~any the municipality in such counties~~ the county which has declined or failed to exercise zoning jurisdiction and control as provided in pursuant to this section.

"(b) No map or plat of any subdivision shall be recorded, and no property shall be sold referenced to ~~such the~~ map or plat, until and unless it has been first submitted to and approved by the county engineer or, in ~~his the~~ absence of the engineer, by the acting county engineer of ~~such the county~~, who shall examine ~~same~~ the map or plat for compliance with the specifications and regulations of the county commission ~~of such county~~ and, if it is in compliance, shall note ~~his~~ approval on ~~such the~~ map or plat by noting thereon 'approved,' giving the date of such approval and signing same in his official capacity.

Where any subdivision lies within the extraterritorial planning jurisdiction of any municipality having exercised ~~said the~~ extraterritorial jurisdiction, the requirement for approval of improvements in ~~said the~~ subdivision by the county engineer shall in no way diminish, waive, or otherwise lessen the requirements of ~~such the~~ municipality. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer. Approval by the county engineer shall in no way constitute approval in lieu of or on behalf of any municipality with respect to subdivisions lying within its extraterritorial planning jurisdiction, except as otherwise herein provided. All ~~such~~ maps or plats must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over any subdivision lying within the extraterritorial planning jurisdiction and, following ~~such the~~ approval by ~~such the~~ municipal planning commission, must then be approved by the county engineer or, in ~~his~~ absence of the official, by the acting county engineer.

"(c) For purposes of the police jurisdiction, fire protection, the jurisdiction of the planning commission, or zoning in municipalities, in counties having a population of 300,000 inhabitants or more, but less than 600,000 inhabitants, according to the 1970 federal decennial census, the police jurisdiction, fire protection, the jurisdiction of the planning commission or zoning shall be frozen as they exist on the effective date of this act, unless the city limits extend. Future expansion of corporate limits shall not extend jurisdiction beyond the limits of the jurisdiction on the effective date of this act, unless the city limits extend. The regulations of the planning commissions of the respective mu-

municipalities outside the respective corporate limits shall be no more stringent than the county regulations."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Windom -20

Nays:

- 0

And said Bill, SB 302, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 660, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 660. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 660, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 665, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 665. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 558, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 558. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following amendment to the Bill, SB 558, to-wit:

AMENDMENT TO SB 558

Amend Senate Bill 558 as follows:

On page 7, line 6, delete the figure "75" and insert in lieu thereof:

"125"

On page 8, line 17, delete the figure "\$3,500" and insert in lieu thereof:

"\$4,000"

On page 8, line 19, delete the figure "\$7,000" and insert in lieu thereof:

"\$8,000"

On page 11, lines 6 and 9, delete the language "two-week period" and insert in lieu thereof:

"month"

On page 11, line 9, after the period insert the following language:

"A copy of the records required in Section 11 of this act shall be filed with the sheriff on or before the 15th of each month and shall contain information for the previous month."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

POINT OF ORDER

Senator Langford raised the following point of order "The Bill, SB 558, having been reported favorably from the Standing Committee on Local Legislation No. 1, read a second time and placed on the calendar on the Twenty-Fifth Legislative Day, pursuant to the provisions of Senate Rule 51, should have been referred to the Standing Committee on State Development and Tourism."

RULING OF THE CHAIR

The President Pro Tempore and Presiding Officer of the Senate sustained Senator Langford's inquiry and ordered the Bill, SB 558, removed from the calendar and referred to the Standing Committee on State Development and Tourism.

BILL RECONSIDERED

On motion of Senator Foshee, the Senate reconsidered the vote by which the Bill, HB 739, was passed.

On motion of Senator Foshee, the Senate reconsidered the vote by which the Bill, HB 739, was ordered to its third reading.

Senator Foshee then offered the following substitute No. 2 for the Bill, HB 739, to-wit:

SUBSTITUTE NO. 2 FOR HB 739

A BILL TO BE ENTITLED AN ACT

Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the

assessment of an Underground and Aboveground Storage Tank Trust Fund Charge; and to direct the Underground and Aboveground Storage Tank Trust Fund Charge to become the primary funding mechanism for the Alabama Underground and Aboveground Storage Tank Trust Fund; to provide coverage under the Fund for certain aboveground motor fuels storage tanks; and to clarify the benefits available under the fund for third-party claims.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. §22-35-1. Legislative findings and intent:

The legislature of the state of Alabama finds and declares that certain lands of Alabama constitute unique and delicately balanced resources; that the protection of these resources is vital to the economy of this state; and that the preservation of waters is a matter of the highest urgency and priority as these waters provide a primary source of potable water in this state; that such use can only be served effectively by maintaining the quality of waters in as close to a comparable previous condition as possible, taking into account multiple use accommodations necessary to provide the broadest possible promotion of public and private interests.

The legislature further finds that where contamination of soils or waters has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made; that such delays result in the continuation and intensification of the threat to the public health, safety, and welfare, in greater damages to the environment, and in significantly higher costs to contain and remove the contamination; and that adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and clean-up at contamination sites without delay.

The legislature intends for this chapter to provide evidence of financial responsibility for owners and operators of underground and aboveground storage tanks under the Resource Conservation and Recovery Act, subtitle I, the Superfund Amendments and Reauthorization Act of 1986 and other federal laws.

Section 2. §22-35-2. Short title.

This chapter may be cited as the "Alabama Underground and Aboveground Storage Tank Trust Fund Act."

Section 3. Section 22-35-3 Code of Alabama 1975 is hereby amended as follows:

§22-35-3. Definitions.

For the purposes of this chapter, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) Commission. The Alabama Environmental Management Commission.

(2) Department. The Alabama Department of Environmental Management.

(3) Director. The Director of the Alabama Department of Environmental Management.

(4) Waters. All waters of any river, stream, water course, pond, lake, coastal, ground, or surface waters wholly or partially within the state, natural or artificial.

(5) Owners of an Underground or Aboveground Storage Tank:

a. In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, or in the case of an aboveground storage tank in use on August 1, 1993, or brought into use after August 1, 1993, any person who owns an underground or aboveground storage tank used for the storage, use, or dispensing of motor fuels, and

b. In the case of an underground storage tank in use before November 8, 1984, but no longer in use on that date, or an aboveground storage tank in use before August 1, 1993, but no longer in use on that date, the present owner of such tank used for storage, use or dispensing of motor fuels, and any person who owned such tank immediately before the discontinuation of its use.

c. For the purposes of this chapter, the person who registers the underground or aboveground storage tank is, and shall be considered the owner.

(6) Operator. Any person in control of, or having responsibility for, the daily operation of an underground or aboveground storage tank.

(7) Person. Any natural person, any firm, association, partnership, corporation, trust, the State of Alabama and any agency of the State of Alabama, governmental entity, ~~the United States and any agency of the United States,~~ a consortium, a joint venture, a commercial entity and any other legal entity.

(8) Release. Any spilling, leaking, emitting, discharge, escaping, leaching, or disposing from any underground or aboveground storage

tank into ~~the waters of the state.~~ ground water, surface water or subsurface soils.

(9) Motor Fuels. All grades of gasoline including gasohol or any gasoline blend, number 1 diesel, number 2 diesel, kerosene and all aviation fuels.

(10) Underground Storage Tank. Any one or combination of tanks (including pipes connected thereto) used to contain an accumulation of motor fuels, and the volume of which (including the volume of the underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. ~~Such term does not include any:~~

(11) Aboveground Storage Tank. Any one or combination of stationary tanks affixed permanently to the ground or other support structure (including pipes connected thereto) used to contain an accumulation of motor fuels, the volume of which (including pipes connected thereto) is greater than 90 percent above the surface of the ground.

The terms Underground Storage Tank and Aboveground Storage Tank do not include any:

a. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

b. Tank used for storing heating oil for consumptive use on the premises where stored;

c. Septic tank;

d. Pipeline facility (including gathering lines) regulated under:

1. The Natural Gas Pipeline Safety Act of 1968,

2. The Hazardous Liquid Pipeline Safety Act of 1979, and

3. An intrastate pipeline facility regulated under state laws comparable to the provisions of law in subparagraphs 1. or 2. of this paragraph;

e. Surface impoundment, pit, pond, or lagoon;

f. Stormwater or wastewater collection system;

g. Flow-through process tank;

h. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

i. Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor; and

j. Other underground storage tanks exempted by the administrator of the federal Environmental Protection Agency.

k. Piping connected to any of the above exemptions.

1. Pipeline terminals, refinery terminals, rail and barge terminals and tanks associated with each.

(11 12) Third Party Claim. Any civil action brought or asserted by any person against any owner or operator of any underground or aboveground storage tank who is in substantial compliance as stated in this chapter for ~~damages to person or property~~ bodily injury or property damage which damages are the direct result of ~~the contamination of waters by motor fuels released during an accidental release arising from the operation of motor fuel underground or aboveground storage tanks covered under this chapter.~~

(12 13) Response Action. Any activity, including evaluation, planning, design, engineering, construction, and ancillary services, which is carried out in response to any discharge, release, or threatened release of motor fuels.

(13 14) Response Action Contractors. A person who has been approved by the department who is carrying out any response action, including a person retained or hired by such person to provide services relating to a response action.

(14 15) Substantial Compliance. An owner or operator of an underground or aboveground storage tank has registered that tank with the department, has timely paid the annual fee, if any, has made a good faith effort to comply with the state and federal laws applicable to underground or aboveground storage tanks, and the rules and regulations adopted pursuant thereto, and shall have met the financial responsibility requirements imposed by section 22-35-7, and shall have promptly notified the director of any third party claim or suit made against him.

(16) "Bulk facility" means a facility, including pipeline terminals, refinery terminals, motor fuel distribution terminals, rail and barge terminals, and associated tanks, connected or separate, from which motor fuels are withdrawn from bulk and delivered into a cargo tank or a barge used to transport these materials.

(17) "Cargo tank" means an assembly that is used for trans-

porting, hauling, or delivering liquids and that consists of a tank having one or more compartments mounted on a wagon, truck, trailer, railcar or wheels.

(18) "Withdrawal from bulk" means the removal of a motor fuel from a bulk facility storage tank directly into a cargo tank to be transported to a location in this state.

Section 4. Section 22-35-4 Code of Alabama 1975 is hereby amended as follows:

§22-35-4. Alabama underground and aboveground storage tank trust fund created; credits to and charges against fund; investigation, etc., of water contamination related to storage of motor fuels; liability of owner for costs; indemnification limit as to third party claims.

There is hereby created the Alabama underground and aboveground storage tank trust fund, hereinafter referred to as the "fund" to be administered by the secretary-treasurer of the retirement systems of Alabama. This fund shall be used by the department as a revolving fund for carrying out the purposes of this chapter. To this fund shall be credited all tank fee and underground and aboveground storage tank trust fund charge revenues levied, collected and credited pursuant to this chapter. Charges against the fund shall be made in accordance with the provisions of this chapter.

(1) Whenever in the director's determination incidents of soil or water contamination related to the storage of motor fuels in underground storage tanks discovered and reported to the department on or after October 1, 1988, and in aboveground storage tanks discovered and reported to the Department on or after August 1, 1993, may pose a threat to the environment or the public health, safety or welfare, and the owner or operator of the underground or aboveground storage tank has been found to be in substantial compliance, the department shall obligate moneys available in the fund to provide for:

- a. Investigation and assessment of contamination sites;
- b. The interim replacement and permanent restoration of potable water supplies;
- c. Rehabilitation of contamination sites, which may consist of clean-up of affected soil and groundwater, using cost effective alternatives that are technologically feasible and reliable, and that provide adequate protection of the public health, safety and welfare and minimize environmental damage, in accordance with the site selection and clean-up criteria established by the department, except that nothing herein shall be construed to authorize the department to obligate funds for payment of

costs which may be associated with, but are not integral to, site rehabilitation, such as the cost for retrofitting or replacing underground and aboveground storage tanks. The moneys expended from the fund for any of the above approved costs shall be spent only up to such sum as will cause the Resource Conservation and Recovery Act, subtitle I, the Superfund Amendments and Reauthorization Act of 1986, and any other federal laws governing disbursement of federal funds for clean up and/or third party claims to come into effect. Monies expended from the Fund as a result of a release from aboveground tanks shall not exceed one million dollars (\$1,000,000.00) less the applicable deductible.

(2) Whenever costs have been incurred by the department for taking response action or enforcement action with respect to the release of motor fuels from an underground or aboveground storage tank, or the department has expended funds from the fund created by this chapter, the owner of the underground storage tank shall be liable to the department for such costs if such release was discovered or reported prior to October 1, 1988, and the owner of the aboveground storage tank shall be liable to the Department for such costs if such release was discovered or reported prior to August 1, 1993, or if such owner or operator was not in substantial compliance on the date of ~~discharge~~ discovery of the release of motor fuels which necessitates the cleanup; or other such owner or operator fails to maintain substantial compliance thereafter; otherwise liability is limited to the provisions contained in section 22-35-7.

(3) The indemnification limit of the fund with respect to satisfaction of third party claims shall be ~~that which is necessary to satisfy underground or aboveground storage tank owner financial responsibility requirements of subtitle I of the Resource Conservation and Recovery Act, U.S. Code,~~ the following amounts:

a. For owners or operators of motor fuels underground and aboveground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of motor fuels per month based on annual throughput for the previous calendar year; \$1 million per occurrence.

b. For all other owners or operators of motor fuels underground and aboveground storage tanks; \$500,000 per occurrence;

c. For owners or operators of 1 to 100 motor fuels underground and aboveground storage tanks, \$1 million annual aggregate; and

d. For owners or operators of 101 or more motor fuels underground and aboveground storage tanks, \$2 million annual aggregate.

Section 5. Section 22-35-5 Code of Alabama 1975 is hereby amended as follows:

§22-35-5. Owners to pay underground storage and aboveground tank trust fund fee; special assessments when fund depleted; failure to pay fee; levy and amount of underground and aboveground storage tank trust fund charge; fees deposited in fund; investment of fund; use of fund; procedure for obtaining payments from fund; limits on liability for clean-up costs; audit of fund.

(a) Every owner of an underground or aboveground storage tank as defined in this chapter shall pay an underground and aboveground storage tank trust fund fee as established by the provisions of this chapter to be paid to the department. During the first year next following October , 1988, the amount of the annual underground storage tank trust fund fee shall be \$100.00. Thereafter, the commission, upon recommendation of the advisory board, shall set such an amount not to exceed \$150.00 per year per regulated tank. Should the fund become depleted due to claims being greater than amounts provided by tank fees, the commission shall be empowered to make special assessments of tank fees to protect the financial integrity of the fund. Provided the total tank fees and special assessments for any fiscal year do not exceed \$150.00 per regulated tank. The failure to pay underground and aboveground storage tank trust fund fees within the time prescribed by the department shall make the owner or operator of such underground or aboveground storage tank liable for a late charge penalty in an amount not to exceed \$100.00 per tank for each day such payment is delinquent, subject to the discretion of the director. The director, for good cause shown, may abate all or part of said penalty.

b(1) An underground and aboveground storage tank trust fund charge is imposed on the first withdrawal from bulk. Each operator of a bulk facility from which a first withdrawal from bulk is made shall, on the first withdrawal from bulk, either retain or collect from the person who ordered the fuel a fee in an amount determined as follows:

A. Thirteen dollars and fifty cents (\$13.50) for each separate withdrawal from bulk, into a cargo tank, less than or equal to 4500 gallons.

Twenty-seven dollars and no cents (\$27.00) for each separate withdrawal from bulk, into a cargo tank, of greater than 4500 gallons.

B. When a withdrawal from bulk occurs outside of this state, where the motor fuel is to be imported into this state, the importer of such motor fuel shall be responsible for the collection and remittance of the applicable underground and aboveground storage tank trust fund charge.

(2) Each operator of a bulk facility from which a first withdrawal from bulk is made and importers of motor fuels into the State of Ala-

bama as identified in Section b(1)B above, shall file an application with the Department of Revenue for a permit to deliver motor fuel into a cargo tank destined for delivery into storage tanks, regardless of whether these tanks are exempted from the definition of underground or aboveground storage tank hereinabove. All applications shall be filed utilizing a form furnished by the Department of Revenue. A permit issued under this Subsection is valid on and after the date of its issuance and until the permit is surrendered by the holder or canceled by the Department of Revenue.

(3) All invoices or transaction statements issued by operators of bulk facilities for the transfer of motor fuels into a cargo tank shall clearly indicate whether or not the transaction was a withdrawal from bulk as defined herein.

(4) Each operator of a bulk facility from which a first withdrawal from bulk is made shall list, as a separate line item on an invoice, the amount of the fees due under this Section, and on or before the twentieth day of the month following the end of each calendar month, file a report with the Department of Revenue and remit the amount of fees required to be collected or paid during the preceding month. Said reports shall be filed on a form furnished by the Department of Revenue. The Department of Revenue shall deposit in the trust fund on a monthly basis all underground and aboveground storage tank trust fund charge revenues collected by it, less interest earned, for the month then just ended.

(5) All invoices, reports, and any other records required under this Section as well as rules adopted by the department and the Department of Revenue pursuant to this Section, or copies thereof, shall be retained for a period of four years after the date on which the document is prepared. The Department of Revenue shall have authority to audit the records of all persons required to collect and remit the underground and aboveground storage tank trust fund charge established herein in order to ensure proper enforcement thereof.

(bc) The proceeds from the tank fees and underground and aboveground storage tank trust fund charge imposed by this chapter shall be deposited into the Alabama underground and aboveground storage tank trust fund established in section 22-35-4 until the unobligated balance in the fund shall reach 10 million dollars (\$10,000,000.00), at which time the tank fee, if any, and the underground and aboveground storage tank trust fund charge shall abate until such time as the unobligated fund balance shall be reduced to seven and one-half million dollars (\$7,500,000.00), at which point the tank fee and the underground and aboveground storage tank trust fund charge shall be imposed until such time as the unobligated balance in the fund shall reach 10 million dollars (\$10,000,000.00). The unobligated balance of

the fund shall be invested by the retirement systems of Alabama in its sole discretion, for the benefit of the fund. ~~At the end of any fiscal year in which the unobligated balance of the fund falls below \$250,000.00, the tank fee will be set at \$50.00 per tank gallon for the following year.~~

(ed) This fund shall be used for the purposes set forth in this chapter only for releases discovered and reported to the department on or after October 1, 1988, with regard to underground storage tanks, and only for releases discovered and reported to the Department on or after August 1, 1993 with regard to aboveground storage tanks, and for no other governmental purposes, nor shall any portion hereof ever be available to borrow from by any branch of government; it being the intent of the legislature that this fund and its increments shall remain intact and inviolate for the purposes set out in this chapter. Any interest or earnings on the fund shall be credited only to the fund.

(de) Moneys held in the fund established under the chapter shall be disbursed for the following purposes:

(1) Payments shall be made to third parties who bring suit against the director in his official capacity as representative of the fund and the owner or operator of an underground or aboveground motor fuel storage tank who is in substantial compliance as stated in this chapter and such third party obtains a final judgment in that action enforceable in this state. The owner or operator above stated shall pay the first \$5,000.00 of said judgment and after that payment has been made, the fund will pay the remainder of said judgment. With respect to the owner or operator of an aboveground motor fuel storage tank who is in substantial compliance, said owner or operator shall pay the first \$10,000 of said judgment and after that payment has been made, the Fund will pay the remainder of said judgment. The attorney general of the state of Alabama is hereby responsible to appear in said suit for and in behalf of the director as representative of the fund and the director as representative of the fund is a necessary party in any suit that is brought by any third party which would allow that third party to collect from this fund; and the director must be made a party to the initial proceedings. The costs of defending these suits by the attorney general or those assistants employed by the department, or appointed by the attorney general to assist shall be recovered from the fund. The cost of defending an owner or operator who is in substantial compliance as stated in this chapter against third-party claims shall be recovered from the fund pursuant to such guidelines and procedures and subject to such limits as the Alabama Underground and Aboveground Storage Tank Trust Fund Advisory Board shall provide. The amount of money in this fund, the method of collecting the fund, nor any of the particulars involved in setting up this fund shall be admissible in evidence in any trial where suit is brought when the judgment rendered could affect the fund.

(2) Payments as approved by the department shall be made in reasonable amounts to approved response action contractors when vouchers are submitted to the secretary-treasurer of the retirement system of Alabama from the director requesting payment.

(ef) Payments from the fund may be obtained by following this procedure:

Under subdivision (de)(1) of this section by filing an application with the department attaching the original or a certified copy of the final judgment, together with proof of payment of the first \$5,000.00, or in connection with judgments against owners or operators of aboveground tanks, with proof of payment of the first \$10,000.

(f) Nothing in this chapter shall establish or create any liability or responsibility on the part of the department or the state of Alabama to pay any clean-up costs or third party claims from any source than the fund created by this chapter, nor shall the department or the state of Alabama have any liability or responsibility to make any payments for clean-up costs or third party claims if the fund created herein is insufficient to do so. In the event the fund is insufficient to make the payments at the time the claim is filed, such claims shall be paid in the order of filing at such time as moneys are paid into the fund.

(g) The fund shall be audited annually by the department of examiners of public accounts.

Section 6. Section 22-35-6 Code of Alabama 1975 is hereby amended as follows:

§22-35-6. Alabama underground and aboveground storage tank trust fund advisory board created; members; meetings; duties.

There is hereby created an Alabama underground and aboveground storage tank trust fund advisory board (the "board") comprised of a representative from each of the following organizations: (1) the Alabama Oilmen's Association; (2) the Alabama Service Station Association; (3) the Petroleum Equipment Institute; (4) the Alabama Department of Environmental Management; and (5) the Alabama Petroleum Council. Each representative, or the designee of such representative, may attend meetings of the board, and each such representative, or designee, shall have one vote concerning any matter coming before the board. The board shall elect its own chairman. The board shall meet at least twice annually, and may meet at any other time upon 5 days' notice from the director or any two of the board's other members. The board will advise the commission and/or the department on (1) issues involving implementation of the act; (2) reductions of the fund ceiling; (3) the role of the fund in establishing financial respon-

sibility as required by federal law; (4) examination of claims made and loss experience, including recommendations to the commission for minimum levels of financial responsibility for underground and aboveground storage tank owners or operators under section 22-35-7; (5) adjustments of the tank fee between \$10.00 to \$150.00; (6) the necessity for, and contents of, rules and regulations issued under the act, and similar matters; (7) the board shall recommend standards for the qualification of response action contractors as defined herein, and (8) such other advice as the commission may request or the board may desire to offer.

The board shall provide guidelines and procedures and shall set limits for the recovery from the fund of costs of defending an owner or operator who is in substantial compliance as stated in this chapter against third-party claims.

Section 7.

§22-35-7. Financial responsibility requirements for taking response action.

(a) The financial responsibility requirements for taking response action by underground motor fuel storage tank owners or operators shall be set at \$5,000.00 per occurrence, and for aboveground tank owners or operators the financial responsibility requirements shall be set at \$10,000 per occurrence. The commission may increase the clean-up and third party damage liability per occurrence to owners or operators when recommended by the advisory board.

(b) Financial responsibility may be established by any one or combination of the following: insurance, guarantee, surety bond, letter of credit or qualification as a self-insurer. A person may qualify as a self-insurer by showing tangible net worth in the amount of \$25,000.00.

Section 8.

§22-35-8. Rehabilitation of contamination sites.

(a) The legislature finds that in order to provide for the expeditious rehabilitation of contamination sites, voluntary rehabilitation of contamination sites should be encouraged, provided that such rehabilitation is conducted in a manner and to a level of completion which will protect the public health, safety, and welfare and will minimize damage to the environment. To accomplish this purpose, the commission shall promulgate rules and regulations for the approval and compensation of response action contractors or through the use of their own personnel. The state shall not be party to contracts established between an owner or operator and a response action contractor and

nothing in this chapter shall be construed as a state contract but to the contrary, it is expressly manifest that these are not state contracts and are expressly exempt from any competitive bid laws.

(b) Nothing in this chapter shall be deemed to prohibit a person from conducting site rehabilitation through approved response action contractors.

Section 9.

§22-35-9. Administration cost of chapter; annual budgets for administration.

Administration cost of all the provisions of this chapter shall be charged to the fund. Annual budgets for administration are to be included as part of the regular department budget. Budget provisions for this activity shall be the department's actual cost, not to exceed ~~\$400,000.00~~ 8% of total fees and charges collected annually or a maximum of \$800,000.00 per year whichever is less, excluding any legal expenses incurred by the department in discharging its duties under the provisions of this chapter. In no event shall the department's budget provisions for this activity in any given year be less than \$400,000.00.

Section 10.

§22-35-10. Rules and regulations.

(a) Rules and regulations pertaining to this chapter shall be adopted by the commission in accordance with applicable state and federal laws. The commission shall not adopt any rules or regulations pertaining to underground or aboveground storage tanks under the provisions of this chapter that are more stringent than those provided by federal rules or regulations.

(b) The department may require the owner or operator of an aboveground storage tank to provide to the department information concerning the aboveground storage tank which may include, but is not limited to the name of the owner, the name of the operator, the location, and description of the facility at which the aboveground storage tank is located, regulated substances and quantities of regulated substances used or stored.

Section 11.

§22-35-11. Notice to underground and aboveground storage tank owners of provisions of chapter.

No later than 90 days after October 1, 1988, with regard to under-

ground storage tank owners and no later than 90 days after August 1, 1993, with regard to aboveground storage tank owners, the department shall notify ~~underground storage tank owners~~ said tank owners of the privileges of this chapter, the required timely payment of fees, the deadlines for payment thereof, and the manner in which late charges may be applied. This notification shall be accomplished by publication in newspapers published at least once per week in each county of the State. In the event a county does not have a newspaper which is published at least once a week, the publication in a newspaper published at least once a week in an adjoining county shall be sufficient. Registration of aboveground storage tanks as provided herein shall occur no later than January 31, 1994.

Section 12.

§22-35-12. Liability of underground and aboveground storage tank owners.

This chapter is to assist the underground and aboveground storage tank owner to the extent provided for in this chapter, but not to relieve the owner of any liability that cannot be satisfied by the provisions of this chapter.

Section 13.

§22-35-13. No disbursements from fund until adoption of rules and regulations governing disbursements.

Disbursements from the fund for the purpose of paying clean-up costs or satisfying third party liability claims shall not be made until rules and regulations establishing administrative guidelines and procedures which shall govern the manner in which disbursements are made are effective. Rules and regulations establishing these administrative procedures shall be effective no later than June 1, 1989. Rules and regulations establishing these administrative procedures for aboveground storage tanks shall be effective no later than April 1, 1994.

Section 14.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, the remainder of this Act shall be null and void except for the provisions regarding third party liability set forth in Section 4(3) hereinabove relating only to underground storage tanks.

Section 15.

This act shall become effective August 1, 1993.

Which was adopted.

**REGULAR SESSION
26th Day**

1615

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Dial, Ellis, Floyd, Foshee, Hale, Hill, Horn, Langford,
Lindsey, Little, and Owens -19

Nay: Senator Parsons

- 1

And said Bill, HB 739, as amended by the substitute, was again
read a third time at length and passed.

Yeas 22 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd,
Foshee, Ghee, Hale, Horn, Langford, Little, Owens, and Windom -22

Nays:

Senators:

Amari, Hill, and Parsons

- 3

BUDGET ISOLATION RESOLUTION

Senator Langford, B.I.R., SB 657, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Hale,
Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Sanders,
Smith (B), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 657. Relating to the Water Works and Sanitary Sewer Board
of the City of Montgomery; creating and establishing a personnel merit
system; providing for personnel rules, principles, and organization;
providing for classes of employment; and establishing an appeals board
and its membership.

was read a third time at length and passed, and ordered sent forthwith to
the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried,
Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Langford,
Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B),
Wilson, and Windom -25

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 124. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Sixth Legislative day only.

	Page
S. 661	192
Appropriations for 1992-93 fiscal year, amt. of proration adjusted, excess amt. carried over to next fiscal year	
H. 845	190
Franchise tax on insurance companies, equalized, Secs. 10-4-115, 27-10-31, 27-21A-28, 27-34-42 am'd.; Secs. 27-4-1, 27-4-3 to 27-4-10, 27-30-31 repealed	
H. 223	73
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments	
H. 240	75
Commission on Aging, Care Assurance System, approp.	
H. 249	75
Mining Museum, approp.	
H. 245	74
Mining Academy, approp.	
H. 260	74
Beacon House-Jasper, approp.	
H. 237	176
Children's Advocacy Centers, Inc., approp.	

**REGULAR SESSION
26th Day**

1617

H. 233	88
Coalition Against Domestic Violence, approp.	
H. 232	88
Coosa-Alabama River Improvement Association, approp.	
H. 227	87
Elyton Recovery Center, approp.	
H. 194	176
Alabama Kidney Foundation, Inc., approp.	
H. 248	90
Lighthouse Counseling Center, approp.	
H. 238	89
Council on Child Abuse, approp.	
H. 251	91
Retired Senior Volunteer Program, approp.	
H. 252	91
Shoals Entrepreneurial Center, approp.	
H. 244	90
Travel Council, approp.	
H. 255	92
Tri-Rivers Waterway Development Authority, approp.	
H. 256	92
Warrior-Tombigbee Waterway Development Association, approp.	
H. 263	94
Young Woman of the Year, approp.	
H. 262	93
America's Young Woman of the Year Program, approp.	
H. 413	131
Youth Services Department, approp.	
S. 520	175
Epilepsy Foundation of North and Central Alabama, approp.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 569. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors, and the Alabama National Guard Historical Society.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 165. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 3. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 812. Amending Section 22-21-263 of the Code of Alabama

1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 661, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 661. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1993 that are subject to proration shall be reduced by the Department of Finance to the level that equals 3.2% proration for the fiscal year 1992-93 and to provide that any revenue deposited into the State General Fund in excess of the amount required to cover that level of appropriations from the fund shall be carried over to the fiscal year beginning October 1, 1993.

And said Bill, SB 661, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 845, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 845. Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

was taken up.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 845, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 170. Amending Section 22-21-263 of the Code of Alabama

1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Johnson, Laird, and Haynes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 170, the title of which is set out in the foregoing Message from the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Dial, Owens, and Bailey.

RECESS

At 11:55 A.M., on motion of Senator Foshee, the Senate took a recess until 1:15 P.M.

At 1:15 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 739. Amends §22-35-1 et seq. Code of Alabama 1975 to

authorize the assessment of an Underground and Aboveground Storage Tank Trust Fund Charge; ~~and~~ to direct the Underground and Aboveground Storage Tank Trust Fund Charge to become the primary funding mechanism for the Alabama Underground and Aboveground Storage Tank Trust Fund; to provide coverage under the Fund for certain aboveground motor fuels storage tanks; and to clarify the benefits available under the fund for third-party claims.

GREG PAPPAS,
Clerk.

BILL RECONSIDERED

On motion of Senator Langford, the Senate reconsidered the vote by which the Bill, SB 657, was passed.

On motion of Senator Langford, the Senate reconsidered the vote by which the Bill, SB 657, was ordered to its third reading.

Senator Langford then offered the following amendment, to the Bill, SB 657, to-wit:

AMENDMENT TO SB 657

On page 6, line 3, delete "Subsection F" in its entirety and reletter subsequent subsections accordingly.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

And said Bill, SB 657, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Wilson

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, SB 593.

Senator Bailey, B.I.R., SB 593, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 593. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nays:

- 0

THE BILL:

H. 223. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 223, to-wit:

SUBSTITUTE FOR HB 223

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, HB 223, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223, on Page 84, Line 16, as follows:

By inserting the following language following the comma:

"\$48,400 shall be expended for watershed management and"

On motion of Senator Horn, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported the following amendment No. 2 to the substitute for the Bill, HB 223, to-wit:

AMENDMENT NO. 2 TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223 on Page 33, Line 8, as follows:

By striking the figure "\$149,143" and inserting in lieu thereof the figure "\$161,143".

Further amend the substitute on page 32, line 21, by striking the figure "\$15,758,140" and inserting in lieu thereof the following figure "\$15,770,140".

Further amend the substitute on page 34, lines 22 and 23 by striking the figure "\$15,758,140" and inserting in lieu thereof the following figure "\$15,770,140".

On motion of Senator Horn, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported

the following amendment No. 3 to the substitute for the Bill, HB 223, to-wit:

AMENDMENT NO. 3 TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223 on page 13 by striking lines 17 through 29 in their entirety and on page 14 by striking lines 1 through 15 in their entirety, and by substituting in lieu thereof the following:

***9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:**

(a) Administrative Services		
Program		2,263,878
(b) Agricultural Inspection		
Services Program.....		11,338,821
Of the above appropriation, \$75,000 shall be transferred to the Alabama Aquaculture Center in Gadsden, Alabama and \$200,000 shall be expended for a poultry diagnostic laboratory, which shall be located at a site to be determined by the Commissioner of Agriculture and the State Board of Agriculture.		
(c) Laboratory Analysis and		
Disease Control Program.....		4,208,827
(d) Agricultural Development		
Services Program.....		1,865,637
(e) Farmers' Market Promotion		
Program		200,000
SOURCE OF FUNDS:		
(1) State General Fund	8,263,543	
(2) Federal and Local Funds		2,525,150
(3) Shipping Point		
Inspection Fund		4,378,000
Pursuant to Section 2-9-20 et seq., Code of Alabama 1975.		
(4) Agricultural Fund		4,710,470
Total Department of Agri-		
culture and Industries	8,263,543	11,613,620 19,877,163"

On motion of Senator Horn, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported the following amendment No. 4 to the substitute for the Bill, HB 223, to-wit:

AMENDMENT NO. 4 TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223, on Page 64, by deleting lines 1 through 6 in their entirety.

On motion of Senator Horn, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported the following amendment No. 5 to the substitute for the Bill, HB 223, to-wit:

AMENDMENT NO. 5 TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223 on Page 8, Line 12, as follows:

By deleting the following words: "as much as necessary of".

Further amend the substitute on page 8, line 13, following the word "appropriation" by inserting the following words: "shall not".

On motion of Senator Horn, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported the following amendment No. 6 to the substitute for the Bill, HB 223, to-wit:

AMENDMENT NO. 6 TO THE SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223, on Page 14, after line 4, as follows:

By adding the following new section:

"(g) Small Farms Program 25,000".

Further amend the substitute on page 14, lines 6 and 15 by striking the figure "8,063,543" and inserting in lieu thereof the figure "8,088,543".

Further amend the substitute on page 14, line 15 by striking the figure "19,677,163" and inserting in lieu thereof the figure "19,702,163".

On motion of Senator Horn, said amendment was laid on the table.

And on motion of Senator Horn, said substitute was laid on the table.

Senator Horn then offered the following substitute for the Bill, HB 223, to-wit:

SUBSTITUTE FOR HB 223

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive,

legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1993-94 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties as determined by the Director of Finance.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as

provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			11,300,717
SOURCE OF FUNDS:			
(1) State General Fund	10,700,717		
(2) Federal Funds		600,000	
Total Department of Examiners of Public Accounts	10,700,717	600,000	11,300,717
2. LAW INSTITUTE, ALABAMA:			
(a) Support of Other Educational Activities Program			363,014
SOURCE OF FUNDS:			
(1) State General Fund	363,014		
Total Alabama Law Institute	363,014		363,014
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			306,850
SOURCE OF FUNDS:			
(1) State General Fund	306,850		
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council	306,850		306,850
4. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program			1,031,291
SOURCE OF FUNDS:			
(1) State General Fund	1,031,291		
Total Legislative Fiscal Office	1,031,291		1,031,291
5. LEGISLATIVE REFERENCE SERVICE:			
(a) Legislative Operations and Support Program			1,567,372
SOURCE OF FUNDS:			
(1) State General Fund	1,567,372		
Total Legislative Reference Service	1,567,372		1,567,372

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<hr/>				
6.	LEGISLATURE:			
(a)	Legislative Operations and Support Program.....			13,775,474
	It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House, (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975, and (4) at least \$350,000 shall be allocated for a permanent legislative committee on reapportionment as required by Sections 29-2-50 through 29-2-53, Code of Alabama 1975. The ap- propriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.			
	SOURCE OF FUNDS:			
	(1) State General Fund	13,775,474		
	Total Legislature	13,775,474		13,775,474
<hr/>				
2B.	JUDICIAL:			
1.	COURT OF CIVIL APPEALS:			
(a)	Court Operations Program.....			1,407,207
	SOURCE OF FUNDS:			
	(1) State General Fund	1,407,207		
	Total Court of Civil Appeals	1,407,207		1,407,207
<hr/>				
2.	COURT OF CRIMINAL APPEALS:			
(a)	Court Operations Program.....			2,260,247
	SOURCE OF FUNDS:			
	(1) State General Fund	2,260,247		
	Total Court of Criminal Appeals	2,260,247		2,260,247
<hr/>				
3.	JUDICIAL BUILDING AUTHORITY, ALABAMA:			
(a)	Administrative Support Services Program			3,837,081
	SOURCE OF FUNDS:			
	(1) Judicial Building Authority Fund, Estimated		3,837,081	

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<hr/>				
In accordance with Sections 41-10-260 through 41-10-284, Code of Alabama 1975.				
Total Alabama Judicial Building Authority			3,837,081	3,837,081
				<hr/>
4. JUDICIAL INQUIRY COMMISSION:				
(a) Administrative Services Program....				121,780
SOURCE OF FUNDS:				
(1) State General Fund	121,780			
Total Judicial Inquiry Commission	121,780			121,780
<hr/>				
5. JUDICIAL RETIREMENT FUND:				
(a) Retirement Systems Program				1,625,000
SOURCE OF FUNDS:				
(1) State General Fund	1,625,000			
Total Judicial Retirement Fund	1,625,000			1,625,000
<hr/>				
6. SUPREME COURT:				
(a) Court Operations Program				4,706,847
SOURCE OF FUNDS:				
(1) State General Fund	4,706,847			
Total Supreme Court	4,706,847			4,706,847
<hr/>				
7. SUPREME COURT LIBRARY:				
(a) Court Operations - Library Service Program				1,095,588
SOURCE OF FUNDS:				
(1) State General Fund	855,588			
(2) State General Fund- Judicial Moving	200,000			
(3) Departmental Receipts			40,000	
Total Supreme Court Library	1,055,588		40,000	1,095,588
<hr/>				
8. UNIFIED JUDICIAL SYSTEM: (Administrative Office of Courts)				
(a) Court Operations Program				73,922,785
(b) Administrative Services Program				3,649,750
(c) DUI Referral Program				67,658
(d) Fringe Benefit Program, Estimated .				545,000
(e) Court Equipment and Court Security Program				1,029,952
(f) Judicial Building Operations Program				3,837,081
(g) Court Automation Program				600,000
SOURCE OF FUNDS:				
(1) State General Fund	80,930,927			
(2) State General Fund-Social Security-County Judicial, Estimated	545,000			

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	<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(3) State General Fund Transfer- Juvenile Justice Coordinating Council	18,392		
In accordance with Section 12-15-131, Code of Alabama 1975			
(4) Court Referral Officer Fund		1,541,056	
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975			
(5) Juvenile Justice Fund- Balance Brought Forward		16,851	
(6) Court Automation Fund		600,000	
In accordance with Act 92- 677			
Total Unified Judicial System	81,494,319	2,157,907	83,652,226
It is the intent of the Legislature that the above appropriation shall not be expended for the purpose of funding salary and benefit cost increases related to the re- classification of trial court employ- ees.			

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program		2,366
SOURCE OF FUNDS:		
(1) State General Fund	2,366	
As provided in Section 41-11- 6, Code of Alabama 1975, and an additional amount.		
Total Alabama Academy of Honor ..	2,366	2,366

**2. ACCOUNTANCY, ALABAMA STATE
BOARD OF PUBLIC:**

(a) Professional and Occupational Licensing and Regulation Program..		521,977
SOURCE OF FUNDS:		
(1) Alabama State Board of Public Accountancy Fund	521,977	
As provided in Section 34-1- 22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Ac- countancy, there is hereby ap- propriated such an amount as may be necessary to pay the refund of any application for license which may have been		

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
rejected by the Board or with- drawn by request of appli- cant.				
Total Alabama State Board of Public Accountancy.....			521,977	521,977
3. ADJUSTMENT, BOARD OF:				
(a) Special Services Program				556,946
SOURCE OF FUNDS:				
(1) State General Fund, Estimated	536,946			
For expenditures as provided				
in Sections 31-3-2 and 36-30-				
2, Code of Alabama 1975.				
(2) State General Fund -				
Administrative Costs.....	20,000			
As provided by Section 41-9-				
73, Code of Alabama 1975 ...				
Total Board of Adjustment	556,946			556,946
4. AERONAUTICS, DEPARTMENT OF:				
(a) Airport Development and				
Aeronautical Support Program.....				925,000
SOURCE OF FUNDS:				
(1) Airport Development Fund-				
Aviation Fuel Tax			900,000	
As provided by Section 4-2-				
42, Code of Alabama 1975.				
(2) Airport Development Fund-				
Federal Funds			25,000	
Total Department of Aeronautics			925,000	925,000
5. AGING, COMMISSION ON:				
(a) Planning and Advocacy for the				
Elderly Program.....				17,723,055
(b) Economic Assistance Program				12,981,684
SOURCE OF FUNDS:				
(1) State General Fund	1,669,501			
(2) State General Fund-Medicaid				
Waiver	2,599,798			
(3) Federal and Local Funds			26,435,440	
Total Commission on Aging.....	4,269,299		26,435,440	30,704,739
The Commission on Aging shall				
contract with the existing Regional				
Planning Commissions or Councils				
of Local Governments and/or Area				
Agencies on Aging to provide ser-				
vices for one-third of the State's				
present and future client slots for				
the program known as the "Medi-				
caid Waiver Services Program-				
Home-and Community-Based Wai-				
ver for the Elderly and Disabled".				
The Commission on Aging shall not				

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.				
6.	AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:			
(a)	Water Resource Development Program			2,058,063
	SOURCE OF FUNDS:			
(1)	State General Fund-Transfer ..	1,908,063		
(2)	Interest Income		150,000	
	As provided in Section 9-8A-4.1, Code of Alabama 1975.			
	Total Agricultural and Conservation Development Commission	1,908,063	150,000	2,058,063
7.	AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a)	Agricultural Development Services Program			44,339
	SOURCE OF FUNDS:			
(1)	State General Fund	44,339		
	Total Alabama Agricultural and Industrial Exhibit Commission	44,339		44,339
8.	AGRICULTURAL CENTER BOARD:			
(a)	Agricultural Development Services Program			1,119,886
	SOURCE OF FUNDS:			
(1)	State General Fund	158,082		
	For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975 and other livestock shows and exhibits and other activities.			
(2)	State General Fund-Operations	369,225		
(3)	State General Fund-Livestock Coliseum	207,579		
(4)	Livestock Coliseum Fund		385,000	
	Total Agricultural Center Board	734,886	385,000	1,119,886
9.	AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a)	Administrative Services Program			2,263,878

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(b)	Agricultural Inspection Services Program			11,163,821
(c)	Laboratory Analysis and Disease Control Program			4,208,827
(d)	Agricultural Development Services Program			1,865,637
SOURCE OF FUNDS:				
(1)	State General Fund	7,888,543		
(2)	Federal and Local Funds		2,525,150	
(3)	Shipping Point Inspection Fund		4,378,000	
	Pursuant to Section 2-9-20 et seq., Code of Alabama 1975.			
(4)	Agricultural Fund		4,710,470	
	Total Department of Agriculture and Industries	7,888,543	11,613,620	19,502,163
10. AIRPORT AUTHORITY, ALABAMA INTERNATIONAL:				
(a)	Airport Development and Aeronautical Support Program.....			623,700
SOURCE OF FUNDS:				
(1)	State General Fund	96,800		
(2)	Federal Funds		526,900	
	Total Alabama International Airport Authority.....	96,800	526,900	623,700
11. ALABAMA TRUST FUND BOARD:				
(a)	Administrative Program.....			230,321
	Of the above appropriation to the Administrative Program, \$25,498 shall be transferred to the Department of Conservation and Natural Resources Lands Management Fund.			
SOURCE OF FUNDS:				
(1)	State General Fund	204,823		
(2)	Forever Wild Land Trust Stewardship Account		25,498	
	Total Alabama Trust Fund Board...	204,823	25,498	230,321
12. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:				
(a)	Product Management Program			29,335,558
(b)	Enforcement Program			8,917,693
	The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1993-94 shall not be reduced below the level of services provided in this program in fiscal year 1992-93.			
(c)	Administrative Services Program			3,849,544

Fund Sources Included In Appropriation Total		
General Fund	Earmarked Funds	Appropriation Total

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$2,506,113. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund	42,102,795
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<p>Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.</p>				
Total Alabama Alcoholic Beverage Control Board			42,102,795	42,102,795
13. ARCHITECTS, BOARD FOR REGISTRATION OF:				
(a) Professional and Occupational Licensing and Regulation Program				252,500
SOURCE OF FUNDS:				
(1) Fund of the Board for Registration of Architects			252,500	
As provided in Section 34-2-41, Code of Alabama 1975.				
Total Board for Registration of Architects.....			252,500	252,500
14. ARCHIVES AND HISTORY, DEPARTMENT OF:				
(a) Historical Resources Management Program				2,954,613
SOURCE OF FUNDS:				
(1) State General Fund		2,707,533		
(2) Federal and Local Funds			197,080	
(3) Archives Historical Collections Fund			10,000	
In accordance with Act 92-719				
(4) Archives Services Fund			40,000	
In accordance with Act 92-719				
Total Department of Archives and History.....		2,707,533	247,080	2,954,613
15. ATTORNEY GENERAL, OFFICE OF THE:				
(a) Legal Advice and Legal Services Program				9,419,527
(b) Fair Marketing Practices Program ..				599,678
SOURCE OF FUNDS:				
(1) State General Fund		6,323,494		
(2) State General Fund - Drug Program		110,845		

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(3)	State General Fund -			
	Consumer Protection	548,178		
(4)	Federal and Local Funds		1,304,803	
(5)	Miscellaneous Receipts		1,581,885	
(6)	Attorney General's Litigation			
	Support Fund		150,000	
	In accordance with Section			
	36-15-4.2, Code of Alabama			
	1975			
Total Office of the Attorney General		6,982,517	3,036,688	10,019,205
16. AUCTIONEERS, ALABAMA				
STATE BOARD OF:				
(a)	Professional and Occupational			
	Licensing and Regulation Program..			110,972
	SOURCE OF FUNDS:			
(1)	State Board of Auctioneers			
	Fund		110,972	
Total Alabama State Board of				
Auctioneers			110,972	110,972
17. AUDITOR, STATE:				
(a)	Fiscal Management Program			837,452
	SOURCE OF FUNDS:			
(1)	State General Fund	837,452		
Total State Auditor		837,452		837,452
18. BANKING DEPARTMENT, STATE:				
(a)	Charter, License and Regulate			
	Financial Institutions Program			3,881,448
	SOURCE OF FUNDS:			
(1)	Banking Assessment Fees		3,322,844	
	As provided in Section 5-2A-			
	20, Code of Alabama 1975.			
(2)	Loan Examination Fund		558,604	
	As provided in Sections 5-2A-			
	24, 5-16-38.1, and 5-18-5,			
	Code of Alabama 1975.			
Total State Banking Department			3,881,448	3,881,448
19. BAR ASSOCIATION,				
ALABAMA STATE:				
(a)	Professional and Occupational			
	Licensing and Regulation Program..			2,172,287
	SOURCE OF FUNDS:			
(1)	State Bar Association Fund ...		1,520,600	
	As provided in Sections 34-3-			
	4 and 34-3-44, Code of Ala-			
	bama 1975.			
(2)	Federal and Local Funds		651,687	
	As provided in Sections 34-3-			
	44, 34-3-17 and 34-3-18,			
	Code of Alabama 1975.			
Total Alabama State Bar Association			2,172,287	2,172,287

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
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20. BEAR CREEK DEVELOPMENT AUTHORITY:				
(a) Water Resource Development Program				48,360
SOURCE OF FUNDS:				
(1) State General Fund	48,360			
Total Bear Creek Development Authority	48,360			48,360
<hr/>				
21. BUILDING COMMISSION, STATE:				
(a) Special Services Program				1,494,854
SOURCE OF FUNDS:				
(1) State General Fund	838,187			
(2) Miscellaneous Funds		656,667		
Total State Building Commission....	838,187	656,667		1,494,854
<hr/>				
22. BUILDING RENOVATION FINANCE AUTHORITY, ALABAMA:				
(a) Administrative Support Services Program				7,528,205
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ..	2,571,668			
(2) Departmental Receipts, Estimated.....		4,956,537		
Total Alabama Building Renova- tion Finance Authority	2,571,668	4,956,537		7,528,205
<hr/>				
23. CAHAWBA ADVISORY COMMITTEE:				
(a) Historical Resources Management Program				20,469
SOURCE OF FUNDS:				
(1) State General Fund	20,469			
Total Cahawba Advisory Committee.....	20,469			20,469
<hr/>				
24. CHILD ABUSE AND NEGLECT PREVENTION BOARD:				
(a) Social Services Program				705,166
In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.				
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ..	455,166			
(2) Children's Trust Fund, Estimated.....		250,000		
Total Child Abuse and Neglect Prevention Board	455,166	250,000		705,166
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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
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25. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program..			113,800
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiro- practic Examiner's Fund		113,800	
As provided in Section 34-24- 143, Code of Alabama 1975.			
Total Chiropractic Examiners.....		<u>113,800</u>	<u>113,800</u>
<hr/>			
26. CHOCCOLOCCO CREEK WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			8,868
SOURCE OF FUNDS:			
(1) State General Fund	8,868		
Total Choccolocco Creek Watershed Conservancy District.....	<u>8,868</u>		<u>8,868</u>
<hr/>			
27. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:			
(a) Water Resource Development Program			158,219
SOURCE OF FUNDS:			
(1) State General Fund	158,219		
Total Choctawhatchee-Pea Rivers Watershed Management Authority ..	<u>158,219</u>		<u>158,219</u>
<hr/>			
28. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program...			985,336
(b) Outdoor Recreation Sites and Service Program.....			29,342,658
(c) Marine Police Program			3,501,574
(d) Wildlife Game and Fish Program ...			18,116,767
(e) Marine Resources Program.....			2,576,284
(f) Administrative Services Program....			4,381,989
(g) Capital Outlay Program.....			1,075,000
(h) Alabama Natural Heritage Program			25,498
<p>The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.</p>			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund-Transfer-Parks.....	631,620		
(2) State General Fund-Transfer-Game and Fish Fund.....	157,604		
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).			
(3) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....		13,173,663	
(4) Game and Fish Fund-Federal and Local Funds		5,810,500	
(5) State Lands Fund		600,000	
The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.			
(6) State Lands Fund-Transfer From Forever Wild Land Land Trust Fund.....		385,336	
(7) State Lands Fund-Transfer From Forever Wild Land Stewardship Account... ..		25,498	
(8) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts..		1,726,284	
(9) Marine Resources Fund-Federal and Local Funds		900,000	
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.			
(10) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts		2,750,901	
(11) Marine Police Fund-Federal and Local Funds		750,673	

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	<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(12) State Parks Fund.....		594,790	
(13) Parks Revolving Fund, Estimated.....		24,116,248	
(14) State Parks Fund-Cigarette Tax.....		4,000,000	
(15) Administrative Funds.....		4,381,989	
The funds hereinabove appro- priated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.			
Total Department of Conservation and Natural Resources	789,224	59,215,882	60,005,106

**29. CONTRACTORS, STATE
LICENSING BOARD
FOR GENERAL:**

(a) Professional and Occupational Licensing and Regulation Program..		639,850
SOURCE OF FUNDS:		
(1) State Licensing Board for General Contractors Fund	639,850	
Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts ap- propriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any ap- plication for license which may have been rejected by the Board or application with- drawn by request of appli- cant.		
Total State Licensing Board for General Contractors	639,850	639,850

30. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program	10,034,679
(b) Institutional Services Corrections Program.....	140,354,083
(c) Correctional Agricultural and Industries Program	18,352,652
The Department of Corrections shall not utilize any portion of its State General Fund appropriation to sup- port the Correctional Industries Pro- gram, for either the agribusiness el- ement or the industries element.	
(d) Capital Outlay Program.....	50,000
SOURCE OF FUNDS:	
(1) State General Fund	141,578,854

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(2)	Department of Corrections Industrial Revolving Fund..... The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.		18,402,652	
(3)	Drug Demand Reduction Fund In accordance with Sections 13A-12-280 through 13A-12-284, Code of Alabama 1975.		150,908	
(4)	Federal Funds		1,659,000	
(5)	Departmental Receipts		7,000,000	
	Total Department of Corrections	141,578,854	27,212,560	168,791,414

In addition to the above appropriation, there is hereby conditionally appropriated \$5,300,000 to the Department of Corrections from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

31. COSMETOLOGY, ALABAMA
BOARD OF:

(a)	Professional and Occupational Licensing and Regulation Program.. SOURCE OF FUNDS:		631,000
(1)	Alabama Board of Cosmetology Fund	631,000	
	As provided in Section 34-7-42, Code of Alabama 1975.		
	Total Alabama Board of Cosmetology	631,000	631,000

32. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:

(a)	Professional and Occupational Licensing and Regulation Program.. SOURCE OF FUNDS:		166,640
(1)	Alabama Board of Examiners in Counseling Fund	166,640	

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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As provided in Section 34-8A-6, Code of Alabama 1975.			
Total Alabama Board of Examiners in Counseling		166,640	166,640
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33. CREDIT UNION ADMINISTRATION, ALABAMA:			
(a) Charter, License and Regulate Financial Institutions Program.....			608,812
SOURCE OF FUNDS:			
(1) Alabama Credit Union Administration Fund		608,812	
As provided in Section 5-17-7, Code of Alabama 1975.			
Total Alabama Credit Union Administration.....		608,812	608,812
<hr/>			
34. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:			
(a) Special Services Program, Estimated.....			984,625
SOURCE OF FUNDS:			
(1) Alabama Crime Victims Compensation Commission Fund, Estimated.....		984,625	
To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.			
Total Alabama Crime Victims Compensation Commission		984,625	984,625
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35. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:			
(a) Criminal Justice Information Services Program			3,144,250
SOURCE OF FUNDS:			
(1) State General Fund	2,780,500		
(2) Miscellaneous Receipts		2,000	
(3) Federal and Local Funds		361,750	
Total Alabama Criminal Justice Information Center.....	2,780,500	363,750	3,144,250
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In addition to the above appropriation, there is hereby conditionally appropriated \$1,300,000 to the Criminal Justice Information Center from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
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36.	DEVELOPMENT OFFICE, ALABAMA:			
(a)	Promotional Development Program - Alabama Film Commission			269,410
(b)	Administrative Services Program			294,000
(c)	Industrial Development Program - Alabama Development Office			4,025,573
	SOURCE OF FUNDS:			
(1)	State General Fund - Ala- bama Development Office	3,825,573		
(2)	State General Fund - Office of Minority Business	183,920		
(3)	State General Fund-Small Bus- iness Office of Advocacy	110,080		
(4)	State General Fund- Alabama Film Commission	269,410		
(5)	Departmental Receipts		200,000	
	Total Alabama Development Office ..	4,388,983	200,000	4,588,983
<hr/>				
37.	DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAMINERS FOR:			
(a)	Professional and Occupational Licensing and Regulation Program..			60,000
	SOURCE OF FUNDS:			
(1)	State Board of Dietetics/ Nutrition Fund		60,000	
	Total Alabama State Board of Examiners for Dietetics/Nutri- tion Practice		60,000	60,000
<hr/>				
38.	DISTRICT ATTORNEYS:			
(a)	Court Operations Program			15,770,140
	The proposed spending plan includ- ed in the above total is as follows:			
	Salaries of District Attorneys	3,329,796		
	For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	157,808		
	Salaries and expenses of Supernum- erary District Attorneys ...	1,167,254		
	For use in the District Attorney's Office of the following Judicial Cir- cuits:			
	1st Judicial Circuit	152,446		
	2nd Judicial Circuit	161,143		
	3rd Judicial Circuit	255,078		
	4th Judicial Circuit	474,646		
	5th Judicial Circuit	438,774		
	6th Judicial Circuit	429,798		
	7th Judicial Circuit	290,880		

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
8th	Judicial Circuit	200,367		
9th	Judicial Circuit	217,609		
10th	Judicial Circuit	551,215		
11th	Judicial Circuit	144,328		
12th	Judicial Circuit	376,686		
13th	Judicial Circuit	560,823		
14th	Judicial Circuit	194,033		
15th	Judicial Circuit	584,432		
16th	Judicial Circuit	283,509		
17th	Judicial Circuit	183,691		
18th	Judicial Circuit	350,120		
19th	Judicial Circuit	236,404		
20th	Judicial Circuit	314,634		
21st	Judicial Circuit	224,442		
22nd	Judicial Circuit	225,615		
23rd	Judicial Circuit	409,006		
24th	Judicial Circuit	193,207		
25th	Judicial Circuit	164,822		
26th	Judicial Circuit	322,794		
27th	Judicial Circuit	218,256		
28th	Judicial Circuit	286,780		
29th	Judicial Circuit	346,994		
30th	Judicial Circuit	273,362		
31st	Judicial Circuit	160,409		
32nd	Judicial Circuit	216,723		
33rd	Judicial Circuit	176,986		
34th	Judicial Circuit	122,835		
35th	Judicial Circuit	205,450		
36th	Judicial Circuit	141,812		
37th	Judicial Circuit	233,953		
38th	Judicial Circuit	210,278		
39th	Judicial Circuit	179,728		
40th	Judicial Circuit	146,989		
Travel Expenses of District				
Attorneys		67,377		
Investigators Subsistence-Section				
36-21-2, Code of Alabama				
1975		186,848		
SOURCE OF FUNDS:				
(1) State General Fund		15,770,140		
Total District Attorneys		15,770,140		15,770,140

**39. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA
DEPARTMENT OF:**

(a)	Administrative Support Program	6,880,833
(b)	Planning Program.....	35,815,102
	Of the above appropriation, at least \$580,800 shall be spent for the Regional Planning Commissions;	
(c)	Special Services Program	23,494,905
	Of the above appropriation, \$77,440 shall be allocated to the Food Assistance Program through	

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
the Community Action Agencies of Montgomery and Elmore Counties; and at least \$842,160 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.				
(d)	Skills Enhancement and Employment Opportunities Program			63,950,000
(e)	Energy Management Program			4,520,778
(f)	Police Services Program			3,592,983
(g)	Law Enforcement Planning and Development Program.....			11,797,800
(h)	Surplus Property Program			1,762,749
(i)	Water Resources Program			1,337,590
SOURCE OF FUNDS:				
(1)	State General Fund	9,740,793		
(2)	Federal and Local Funds		135,375,035	
(3)	Administrative Transfers and Other Departmental Receipts..		6,349,163	
(4)	Administrative Transfers from Federal-Donated Surplus Property Sales		1,029,152	
(5)	Administrative Transfers from State-Owned Surplus Property Sales		658,597	
Total Alabama Department of Economic and Community Affairs...		9,740,793	143,411,947	153,152,740
40. EDUCATION, DEPARTMENT OF:				
(a)	Rehabilitation Services Program			4,780,696
SOURCE OF FUNDS:				
(1)	State General Fund-Homebound		1,870,341	
(2)	State General Fund-Eye Injury Register	44,338		
(3)	Federal and Local Funds		2,866,017	
Total Department of Education		1,914,679	2,866,017	4,780,696
41. ELECTRICAL CONTRACTORS, BOARD OF:				
(a)	Professional and Occupational Licensing and Regulation Program..			94,000
SOURCE OF FUNDS:				
(1)	Electrical Contractors Board Fees		94,000	
As provided in Section 34-36-17, Code of Alabama 1975.				
Total Board of Electrical Contractors			94,000	94,000
42. ELK RIVER DEVELOPMENT AGENCY:				
(a)	Water Resource Development Program			3,782

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:				
(1) State General Fund	3,782			
Total Elk River Development Agency	3,782			3,782
43. EMERGENCY MANAGEMENT AGENCY:				
(a) Readiness and Recovery Program ...				20,494,771
(b) Transfer to County Emergency Management Agencies				350,000
The above appropriation of \$350,000 is in addition to the regu- lar allocations to county emergency management agencies.				
SOURCE OF FUNDS:				
(1) State General Fund	1,230,195			
(2) Federal and Local Funds		19,614,576		
Total Emergency Management Agency	1,230,195	19,614,576		20,844,771
44. ENERGY BOARD, SOUTHERN STATES:				
(a) Discovery and Development of Min- eral, Energy and Water Resources, Geological Research and Topo- graphic Mapping Program				23,130
SOURCE OF FUNDS:				
(1) State General Fund	23,130			
Total Southern States Energy Board	23,130			23,130
45. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:				
(a) Professional and Occupational Licensing and Regulation Program..				610,000
SOURCE OF FUNDS:				
(1) Professional Engineers Fund .. As provided in Section 34-11-36, Code of Alabama 1975		610,000		
Total State Board of Registration for Professional Engineers and Land Surveyors		610,000		610,000
46. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:				
(a) Environmental Management Program				58,897,508
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ..	4,969,950			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(2)	State General Fund-Transfer to Water Pollution Control Authority	1,011,560		
(3)	State General Fund-Transfer to Hazardous Substance Cleanup Fund	45,980		
(4)	Environmental Management Fines and Fees		11,437,236	
	As provided in Section 22- 22A-11 Code of Alabama 1975.			
(5)	Federal and Local Funds		13,882,782	
(6)	Federal Match-Water Pollution Control Authority		22,000,000	
(7)	Transfer from Underground Storage Tank Trust Fund		400,000	
	As provided in Section 22-35- 9, Code of Alabama 1975.			
(8)	Underground Storage Trust Fund Fees		4,400,000	
	As provided in Section 22-35- 5, Code of Alabama 1975			
(9)	Environmental Education Fund In accordance with Act 92- 622.			750,000
Total Department of Environmental Management		6,027,490	52,870,018	58,897,508
47. ETHICS COMMISSION, ALABAMA:				
(a)	Regulation of Public Officials and Employees Program			396,849
	SOURCE OF FUNDS:			
(1)	State General Fund	396,849		
	Total Alabama Ethics Commission..	396,849		396,849
48. FARMERS' MARKET AUTHORITY:				
(a)	Agricultural Development Services Program			225,121
(b)	Capital Outlay Program			574,362
	SOURCE OF FUNDS:			
(1)	State General Fund	42,718		
(2)	State General Fund-Capital Outlay	574,362		
(3)	Farmers' Market Auth Fund ..		182,403	
	Total Farmers' Market Authority....	617,080	182,403	799,483
49. FINANCE, DEPARTMENT OF:				
(a)	Fiscal Management Program			5,814,601
(b)	Administrative Support Services Program			4,367,657
(c)	Capital Outlay Program			25,000
	SOURCE OF FUNDS:			
(1)	State General Fund	9,930,601		

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(2) Miscellaneous Funds			276,657	
Total Department of Finance		9,930,601	276,657	10,207,258
50. FINANCE, DEPARTMENT OF - AIR TRANSPORTATION:				
(a) Administrative Support Services Program				1,107,253
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ..		916,477		
(2) Departmental Receipts, Estimated			190,776	
Total Department of Finance - Air Transportation		916,477	190,776	1,107,253
51. FINANCE, DEPARTMENT OF - CAPITOL COMPLEX MAINTENANCE AND REPAIR:				
(a) Administrative Support Services Program, Estimated				8,742,189
SOURCE OF FUNDS:				
(1) Capitol Complex Revolving Fund			8,742,189	
Total Department of Finance - Capitol Complex Maintenance and Repair			8,742,189	8,742,189
52. FINANCE, DEPARTMENT OF - DATA CENTER REVOLVING FUND:				
(a) Administrative Support Services Program, Estimated				27,231,541
SOURCE OF FUNDS:				
(1) Data Center Revolving Fund ..			27,231,541	
Total Department of Finance - Data Center Revolving Fund			27,231,541	27,231,541
53. FINANCE, DEPARTMENT OF - MAIL AND SUPPLY:				
(a) Administrative Support Services Program, Estimated				6,837,942
SOURCE OF FUNDS:				
(1) Mail and Supply Revolving Fund			6,837,942	
Total Department of Finance - Mail and Supply			6,837,942	6,837,942
54. FINANCE, DEPARTMENT OF - MOTOR POOL:				
(a) Administrative Support Services Program, Estimated				1,980,502
SOURCE OF FUNDS:				
(1) Motor Pool Revolving Fund ...			1,980,502	

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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
Total Department of Finance - Motor Pool		1,980,502	1,980,502
55. FINANCE, DEPARTMENT OF - PRINTING AND PUBLICATIONS:			
(a) Administrative Support Services Program, Estimated			6,148,869
SOURCE OF FUNDS:			
(1) Printing and Publications Revolving Fund		6,148,869	
Total Department of Finance - Printing and Publications		6,148,869	6,148,869
56. FINANCE, DEPARTMENT OF - RISK MANAGEMENT:			
(a) Administrative Support Services Program			2,039,120
SOURCE OF FUNDS:			
(1) State Insurance Fund- Administration		1,240,167	
As provided in Sections 41- 15-1, et seq., Code of Ala- bama 1975.			
(2) General Liability Trust Fund- Administration		798,953	
As provided in Sections 36-1- 6.1, et seq., Code of Alabama 1975.			
Total Department of Finance - Risk Management		2,039,120	2,039,120
57. FINANCE, DEPARTMENT OF - TELEPHONE REVOLVING FUND:			
(a) Administrative Support Services Program			11,807,104
SOURCE OF FUNDS:			
(1) State General Fund-Transfer ..	1,606,828		
(2) Telephone Revolving Fund, Estimated		10,200,276	
Total Department of Finance - Telephone Revolving Fund	1,606,828	10,200,276	11,807,104
58. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			116,264
SOURCE OF FUNDS:			
(1) State General Fund	116,264		
Total Foreign Trade Relations Commission	116,264		116,264
59. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			8,254,676

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) State General Fund	7,169,411			
(2) Federal and Local Funds			1,085,265	
Total Department of Forensic Sciences.....	7,169,411	1,085,265		8,254,676
60. FORESTERS, ALABAMA				
STATE BOARD OF				
REGISTRATION FOR:				
(a) Professional and Occupational Licensing and Regulation Program..				45,000
SOURCE OF FUNDS:				
(1) Professional Foresters Fund ... As provided in Section 34-12- 36, Code of Alabama 1975.			45,000	
Total Alabama State Board of Registration for Foresters			45,000	45,000
61. FORESTRY COMMISSION,				
ALABAMA:				
(a) Forest Resources Protection and Development Program.....				23,581,581
(b) Capital Outlay Program.....				50,000
(c) People Against A Littered State.....				101,640
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ..	12,327,957			
(2) Federal and Local Funds			4,396,531	
(3) Forestry Commission Fund			7,008,733	
Total Alabama Forestry Commission	12,327,957	11,405,264		23,733,221
Of the above appropriation to the Alabama Forestry Commission, \$2,365,902 shall be used for rural and community fire protection, and \$443,385 shall be used for forestry research, marketing, management and environmental improvement grants.				
62. FOREVER WILD LAND TRUST,				
BOARD OF:				
(a) Capital Outlay Program.....				3,187,079
(b) Administration Program				826,280
Of the above appropriation to the Administration Program, \$385,336 shall be transferred to the Depart- ment of Conservation and Natural Resources Lands Management Fund and \$424,944 shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.				
SOURCE OF FUNDS:				
(1) Forever Wild Land Trust Fund			4,013,359	

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
In accordance with the Constitutional Amendment adopted pursuant to Act 91-219				
Total Board of Forever Wild Land Trust			4,013,359	4,013,359
63. FUNERAL SERVICE, ALABAMA BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Program..				157,500
SOURCE OF FUNDS:				
(1) Alabama Funeral Directors and Embalmers Fund			157,500	
As provided in Section 34-13- 23, Code of Alabama 1975.				
Total Alabama Board of Funeral Service			157,500	157,500
64. GEOLOGICAL SURVEY:				
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program				3,190,565
SOURCE OF FUNDS:				
(1) State General Fund	2,272,114			
(2) Federal and Local Funds			918,451	
Total Geological Survey	2,272,114		918,451	3,190,565
65. GORGAS MEMORIAL BOARD:				
(a) Historical Resources Management Program				4,434
SOURCE OF FUNDS:				
(1) State General Fund	4,434			
As provided in Section 41-9- 220, Code of Alabama 1975, and an additional amount.				
Total Gorgas Memorial Board	4,434			4,434
66. GOVERNOR'S CONTINGENCY FUND:				
(a) Executive Direction Program				769,100
SOURCE OF FUNDS:				
(1) State General Fund	769,100			
Total Governor's Contingency Fund	769,100			769,100
67. GOVERNOR'S MANSION:				
(a) Executive Direction Program				280,659
(b) Capital Outlay Program				60,000
SOURCE OF FUNDS:				
(1) State General Fund	340,659			
Total Governor's Mansion	340,659			340,659

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
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68. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			7,730
SOURCE OF FUNDS:			
(1) State General Fund	7,730		
Total Governor's Mansion Advisory Board	7,730		7,730
<hr/>			
69. GOVERNOR'S OFFICE:			
(a) Executive Direction Program.....			2,518,375
SOURCE OF FUNDS:			
(1) State General Fund	2,518,375		
Total Governor's Office	2,518,375		2,518,375
<hr/>			
70. GOVERNOR'S OFFICE ON VOLUNTEERISM:			
(a) Executive Direction Program.....			77,954
SOURCE OF FUNDS:			
(1) State General Fund	77,954		
Total Governor's Office on Volunteerism	77,954		77,954
<hr/>			
71. HEALTH, DEPARTMENT OF PUBLIC:			
(a) Personal Health Services Program ..			115,610,200
(b) Health Support Services Program ...			160,077,234
Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.			
(c) Administrative Services Program			15,025,109
SOURCE OF FUNDS:			
(1) State General Fund	30,097,142		
(2) Cigarette Tax-\$0.01 and \$0.2. As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.		1,600,000	
(3) Vital Statistics Fund		3,370,512	
(4) Hospital Licensing Fund		400,000	
(5) Emergency Medical Services Fund		64,000	
As provided in Section 22-18-4, Code of Alabama 1975.			
(6) Local Health Departments		118,750,581	
(7) Nuclear Monitoring Fund		145,165	
(8) Radiation Safety Fund		1,337,723	

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(9) Miscellaneous Funds		15,053,968	
(10) Federal Funds		37,962,879	
(11) WIC Funds.....		81,430,573	
(12) The Alabama Legacy for Environmental Research Trust Fund.....		500,000	
In accordance with Act 92-658			
Total Department of Public Health..	30,097,142	260,615,401	290,712,543

Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

**72. HEALTH PLANNING AGENCY,
STATE:**

(a) Health Planning Development and Regulation Program			979,545
SOURCE OF FUNDS:			
(1) State General Fund	306,666		
(2) Certificate of Need Fees.....		500,000	
(3) Departmental Receipts		172,879	
Total State Health Planning Agency.....	306,666	672,879	979,545

**73. HEARING AID DEALERS,
ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program..			48,052
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		48,052	
As provided in Section 34-14- 33, Code of Alabama 1975.			
Total Alabama Board of Hearing Aid Dealers		48,052	48,052

**74. HEATING AND AIR CONDITIONING
CONTRACTORS, BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program..			287,500
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		287,500	

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	<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds
As provided in Sections 34-31-1 through 34-31-34, Code of Alabama 1975.		
Total Board of Heating and Air Conditioning Contractors		287,500
		287,500

**75. HERITAGE TRUST FUND,
ALABAMA:**

(a) Fiscal Management Program		20,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund	20,000	20,000

76. HIGHWAY DEPARTMENT:

(a) Central Administration Program		20,078,690
(b) Division and District Supervision Program		27,909,974
(c) Operations and Support Services Program		10,979,397
(d) Maintenance Program		184,787,515
(e) Non-Programmatic Programs		20,755,459
Proposed spending plan for the above (e) includes the following:		
Debt Service	13,573,661	
Equipment - Other than Automotive	4,690,298	
Road Machinery and Equipment Purchases	2,491,500	
(f) Construction-Federal Aid Program ..		450,370,083
Proposed spending plan for the above (f) includes the following:		
Federal Aid Matching	91,581,833	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	357,788,250	
(g) Construction-State Program		25,246,000
(h) Operations-Land and Buildings Program		2,546,308
(i) Captive County Health Insurance Program		168,480
(j) Transfer to Department of Public Safety, in accordance with Act 91-797		3,500,000
(k) Transfer to Department of Public Safety		900,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer ..	101,640	
(2) Public Road and Bridge Fund		384,952,016
(3) Public Road and Bridge Fund-Transfer to Department of Public Safety		4,400,000
(4) Federal Aid		357,788,250
There is hereby appropriated,		

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Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$13,573,661 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
<p>priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.</p>				
Total Highway Department.....		101,640	747,140,266	747,241,906
77. HISTORIC CHATTAHOOCHEE COMMISSION:				
(a) Historical Resources Management ... Program				125,921
SOURCE OF FUNDS:				
(1) State General Fund		125,921		
Total Historic Chattahoochee Commission		125,921		125,921
The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama.				
78. HISTORICAL COMMISSION, ALABAMA:				
(a) Historical Resources Management Program				3,327,436
(b) Capital Outlay Program.....				44,339
SOURCE OF FUNDS:				
(1) State General Fund-Transfer ...		1,335,756		
The above appropriation shall be distributed as follows:				
Historical Commission, Alabama.....		783,500		
Historical Commission, Alabama-La Grange.....		6,894		
Historical Commission, Alabama-Magnolia Grove....		33,697		
Historical Commission, Alabama-Fort Morgan		160,505		
Historical Commission, Alabama-Fort Morgan - Capital Outlay		44,339		
Historical Commission, Alabama-Fort Toulouse		97,804		

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Historical Commission, Alabama-John T. Morgan House, Selma.....	10,162		
Historical Commission, Alabama-Cahaba.....	133,016		
Historical Commission, Alabama-Gaineswood.....	65,839		
(2) Soldiers Fund		194,077	
As provided in Section 40-8-3, Code of Alabama 1975.			
(3) Alabama State Historical Preservation Fund- Departmental Receipts.....		982,219	
(4) Federal and Local Funds.....		859,723	
Total Alabama Historical Commission	1,335,756	2,036,019	3,371,775

79. HOME BUILDERS LICENSURE BOARD:

(a) Professional and Occupational		
Licensing and Regulation Program		524,460
SOURCE OF FUNDS:		
(1) Home Builders Licensure Board Fund.....	524,460	
In accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.		
Total Home Builders Licensure Board	524,460	524,460

80. HUMAN RESOURCES,
DEPARTMENT OF:

(a) Human Services Program.....		461,496,097
It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer ..	40,990,703	
(2) Federal and Local Funds		316,196,647
(3) ABC Profits		775,000
(4) Whiskey Tax		21,600,000

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	<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(5) Beer Tax		8,700,000	
(6) Pension Residue		17,000,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		18,500,000	
(9) Child Support Collections		7,111,747	
(10) Sales Tax for Food Stamps, Estimated		23,000,000	
In accordance with Section 40-23-35, Code of Alabama 1975.			
(11) Cigarette Tax		3,900,000	
(12) Contractor's Gross Receipts Tax		2,400,000	
Total Department of Human Resources	40,990,703	420,505,394	461,496,097

**81. INDIAN AFFAIRS COMMISSION,
ALABAMA:**

(a) Social Services Program		200,000
The above appropriation is to be expended in accordance with Sec- tions 41-9-708 et seq., Code of Alabama 1975.		
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
Total Alabama Indian Affairs Commission	200,000	200,000

**82. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:**

(a) Industrial Development Program		100,000
SOURCE OF FUNDS:		
(1) SIDA Application Fees Fund ..	100,000	
Total State Industrial Development Authority	100,000	100,000

**83. INDUSTRIAL RELATIONS,
DEPARTMENT OF:**

(a) Employment Security Program		47,330,074
(b) Industrial Safety and Accident Prevention Program		5,598,182
Of the above appropriation, at least \$126,350 shall be expended for the enforcement of child labor laws.		
(c) Administrative Services Program		12,544,562
(d) Workers' Compensation Program ...		3,669,589
(e) Small Business Assistance Program .		65,560
(f) Capital Outlay Program		875,000
SOURCE OF FUNDS:		
(1) State General Fund	936,317	
(2) Federal and Local Funds	69,146,650	
Total Department of Industrial Relations	936,317	70,082,967

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
84. INSURANCE, DEPARTMENT OF:				
(a)	Regulatory Services Program.....			3,855,014
	SOURCE OF FUNDS:			
(1)	State General Fund	2,144,931		
(2)	Fire Marshal's Fund		189,592	
	As provided in Sections 34-33-11 and 8-17-211, Code of Alabama 1975.			
(3)	Examination Revolving Fund		1,520,491	
	Total Department of Insurance	2,144,931	1,710,083	3,855,014
85. INSURANCE BOARD, STATE EMPLOYEES':				
(a)	Administrative Support Services Program			950,237
	SOURCE OF FUNDS:			
(1)	State Employees' Insurance Board Expense Fund		950,237	
	Total State Employees' Insurance Board		950,237	950,237
86. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:				
(a)	Professional and Occupational Licensing and Regulation Program..			11,100
	SOURCE OF FUNDS:			
(1)	Interior Designer Fund.....		11,100	
	As provided in Section 34-15A-7, Code of Alabama 1975.			
	Total Alabama State Board of Registration for Interior Designers.....		11,100	11,100
87. LABOR, DEPARTMENT OF:				
(a)	Regulatory Services Program.....			405,830
	SOURCE OF FUNDS:			
(1)	State General Fund	314,799		
(2)	Federal and Local Funds		91,031	
	Total Department of Labor.....	314,799	91,031	405,830
88. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:				
(a)	Professional and Occupational Licensing and Regulation Program..			35,000
	SOURCE OF FUNDS:			
(1)	Landscape Architect's Fund... As provided in Section 34-17-6, Code of Alabama 1975.		35,000	
	Total Board of Examiners of Landscape Architects		35,000	35,000

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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89.	LIEUTENANT GOVERNOR, OFFICE OF THE:			
(a)	Legislative Operations and Support Program			571,192
	SOURCE OF FUNDS:			
(1)	State General Fund	571,192		
	Total Office of the Lieutenant Governor	571,192		571,192
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90.	LIQUEFIED PETROLEUM GAS BOARD:			
(a)	Regulatory Services Program			464,000
	SOURCE OF FUNDS:			
(1)	Liquefied Petroleum Gas Board Fund		464,000	
	Total Liquefied Petroleum Gas Bd ..		464,000	464,000
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91.	MANUFACTURED HOUSING COMMISSION, ALABAMA:			
(a)	Regulatory Services Program			1,117,254
	SOURCE OF FUNDS:			
(1)	Alabama Manufactured Housing Commission Fund		1,117,254	
	As provided in Section 24-6-4, Code of Alabama 1975			
	Total Alabama Manufactured Housing Commission		1,117,254	1,117,254
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92.	MEDICAID AGENCY, ALABAMA:			
(a)	Medical Assistance Through Medicaid Program			1,541,838,206
	The Medicaid Agency will reim- burse the Department of Public Health for actual costs (in compli- ance with OMB Circular A87 and Health Care Financing Administra- tion guidelines) for services provided.			
	SOURCE OF FUNDS:			
(1)	State General Fund	138,934,767		
(2)	Transfer from Department of Human Resources		15,220,159	
(3)	Transfer from Mental Health..		44,566,124	
(4)	Transfer from Commission on Aging		3,812,940	
(5)	Transfer from Department of Public Health		5,864,538	
(6)	Transfer from Department of Youth Services		59,560	
(7)	Transfer from Department of Education		2,943,459	
(8)	Transfer from Children's Rehabilitation Services		1,182,409	

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(9) Indigent Care Trust Fund		160,495,016	
(10) Departmental Receipts		6,500,000	
(11) Federal and Local Funds		1,088,109,234	
(12) Alabama Health Care Trust Fund		74,150,000	
Total Alabama Medicaid Agency....	138,934,767	1,402,903,439	1,541,838,206

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation, there is hereby conditionally appropriated \$8,065,233 to the Alabama Medicaid Agency from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

93. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		4,434
SOURCE OF FUNDS:		
(1) State General Fund	4,434	
Total Alabama Men's Hall of Fame.....	4,434	4,434

94. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care- Mental Illness Program	116,410,602
(b) Institutional Treatment and Care- Mental Retardation Program	76,659,594
(c) Administrative Services Program	13,325,672
(d) Community Services Program	116,113,963
(1) Mental Illness Services	55,295,510
(2) Substance Abuse Services	18,693,352
Of the above appropriations for Mental Illness Services and Substance Abuse Ser- vices, \$50,998,010 and \$17,943,352 respectively shall be allocated by the DMH/MR to Regional Community Men- tal Health Boards established	

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
<p>under Section 22-51-2, Code of Alabama 1975. First Priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds. It is the intent of the Legislature that the Department of Mental Health and Mental Retardation allocate at least \$254,711 to the Pearson Recovery Center.</p>			
(3) Mental Retardation Services.....			42,125,101
SOURCE OF FUNDS:			
(1) State General Fund-Transfer ..	67,657,441		
(2) Special Mental Health Trust Fund		108,500,000	
For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.			
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax		3,500,000	
(5) Departmental Receipts		2,236,887	
(6) Indigent Offender Alcohol/Drug Treatment Fund		190,000	
(7) Federal and Local Funds		139,425,503	
Total Department of Mental Health and Mental Retardation	67,657,441	254,852,390	322,509,831

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
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94A.	MILITARY DEPARTMENT:			
(a)	Military Operations Program.....			5,613,959
(b)	Capital Outlay Program.....			500,000
	The above appropriation to Capital Outlay is to be used for removal of underground fuel storage tanks.			
	SOURCE OF FUNDS:			
(1)	State General Fund-Operations	1,677,189		
(2)	State General Fund-Quarterly Allowances Headquarters	1,550,000		
(3)	State General Fund-Active Military Service	29,000		
(4)	State General Fund-Transfer to Armory Commission.....	2,350,000		
(5)	State General Fund-Dropping Allowance	3,880		
(6)	State General Fund-State Defense Force	3,890		
(7)	State General Fund-Capital Outlay	500,000		
	Total Military Department.....	6,113,959		6,113,959
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95.	MILITARY DEPARTMENT - ARMORY COMMISSION OF ALABAMA:			
(a)	Military Operations Program.....			7,687,714
	SOURCE OF FUNDS:			
(1)	Transfer from Military Department		2,350,000	
(2)	Federal and Local Funds		5,224,338	
(3)	Military Department Billeting Revolving Fund, Estimated....		70,876	
(4)	Departmental Receipts		42,500	
	The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.			
	Total Armory Commission of Alabama.....		7,687,714	7,687,714
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96.	MOTOR SPORTS HALL OF FAME:			
(a)	Historical Resources Management Program			166,378
	SOURCE OF FUNDS:			
(1)	State General Fund	166,378		
	Total Motor Sports Hall of Fame....	166,378		166,378

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
97. MUSIC HALL OF FAME, ALABAMA:			
(a) Fine Arts Program			237,160
SOURCE OF FUNDS:			
(1) State General Fund	237,160		
Total Alabama Music Hall of Fame	237,160		237,160
98. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program..			1,965,251
SOURCE OF FUNDS:			
(1) Alabama Board of Nursing Trust Fund		1,965,251	
As provided in Sections 34- 21-1 through 34-21-43, Code of Alabama 1975.			
Total Alabama Board of Nursing....		1,965,251	1,965,251
99. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program..			78,000
SOURCE OF FUNDS:			
(1) Board of Examiners of Nurs- ing Home Administrators Fund		78,000	
As provided in Section 34-20- 7, Code of Alabama 1975.			
Total Board of Examiners of Nursing Home Administrators		78,000	78,000
100. OCCUPATIONAL THERAPY, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) Board of Occupational Therapy Fund		40,000	
As provided in Section 34-39- 6, Code of Alabama 1975.			
Total Alabama State Board of Occupational Therapy		40,000	40,000
101. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,279,572
(b) Capitol Outlay Program			490,784
SOURCE OF FUNDS:			
(1) State General Fund	2,244,572		

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(2)	Oil and Gas Board Special Fund		505,784	
(3)	Surety Bond Deposits, Estimated..... In accordance with Section 9- 17-6, Code of Alabama 1975.		20,000	
Total Oil and Gas Board		2,244,572	525,784	2,770,356
102. PARDONS AND PAROLES, BOARD OF:				
(a)	Administration of Pardons and Paroles Program			14,817,913
SOURCE OF FUNDS:				
(1)	State General Fund	11,422,117		
(2)	Probationers Upkeep Fund In accordance with Section 15-22-2, Code of Alabama 1975.		3,395,796	
Total Board of Pardons and Paroles		11,422,117	3,395,796	14,817,913
103. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:				
(a)	Retirement Systems Program			410,224
SOURCE OF FUNDS:				
(1)	Peace Officers' Annuity and Benefit Fund		410,224	
As provided in Section 36-21- 66, Code of Alabama 1975.				
Total Alabama Peace Officers' Annuity and Benefit Fund			410,224	410,224
104. PERSONNEL DEPARTMENT, STATE:				
(a)	Administrative Support Services Program			3,865,139
SOURCE OF FUNDS:				
Transfers to the State Personnel Department shall be as follows:				
(1)	Board of Public Accountancy .		421	
(2)	Department of Aeronautics		579	
(3)	Commission on Aging		2,212	
(4)	Department of Agriculture and Industries		45,347	
(5)	Agricultural and Conservation Development Commission		105	
(6)	Agricultural Center Board		948	
(7)	Alcoholic Beverage Control Board		91,115	
(8)	Board of Registration for Architects.....		158	
(9)	Archives and History		6,162	
(10)	State Council on the Arts		1,738	
(11)	Attorney General's Office		15,695	
(12)	Board of Auctioneers		53	

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		<u>Fund Sources Included In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
(13) State Auditor		1,791	
(14) State Banking Department.....		5,477	
(15) Building Commission.....		1,843	
(16) Alabama Building Renovation Finance Authority		12,114	
(17) Child Abuse and Neglect Prevention Board		369	
(18) Chiropractic Examiners		105	
(19) Choctawhatchee-Pea Rivers Watershed		53	
(20) Department of Conservation and Natural Resources		202,138	
(21) State Licensing Board for General Contractors		579	
(22) Department of Corrections.....		333,333	
(23) Board of Cosmetology		1,475	
(24) Credit Union Administration..		790	
(25) Alabama Crime Victims Compensation Commission		1,422	
(26) Criminal Justice Informa- tion Center		6,320	
(27) Alabama Development Office .		4,687	
(28) Board of Dietetics and Nutrition		53	
(29) State Docks		33,339	
(30) Department of Economic and Community Affairs.....		35,077	
(31) Department of Education		153,578	
(32) Electrical Contractors Board		53	
(33) Emergency Management Agency.....		5,425	
(34) Local Emergency Manage- ment.....		3,032	
(35) Employees' Insurance Board ..		1,053	
(36) Board of Registration for Professional Engineers and Land Surveyors.....		527	
(37) Department of Environmental Management		41,765	
(38) Ethics Commission.....		843	
(39) Examiners of Public Accounts		24,859	
(40) Farmers' Market Authority....		263	
(41) Finance Department		56,723	
(42) Foreign Trade Relations Commission		158	
(43) Department of Forensic Sciences		14,589	
(44) Forestry Commission		54,669	
(45) Funeral Services Board		158	
(46) Governor's Office		3,792	
(47) Department of Public Health..		485,700	
(48) State Health Planning Agency.....		1,527	
(49) Board of Heating and Air Conditioning Contractors		421	

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	Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds
(50) Highway Department.....		448,674
(51) Alabama Historical Commission		7,479
(52) Department of Human Resources.....		476,799
(53) Alabama Indian Affairs Commission		369
(54) Department of Industrial Relations		193,711
(55) Insurance Department.....		6,899
(56) Judicial Inquiry Commission..		158
(57) Department of Labor		632
(58) Legislative Reference Service		421
(59) Liquefied Petroleum Gas Board		895
(60) Manufactured Housing Commission		1,685
(61) Alabama Medicaid Agency....		55,301
(62) Department of Mental Health and Mental Retardation.....		533,258
(63) Military Department.....		25,333
(64) Board of Nursing		2,581
(65) Board of Examiners of Nursing Home Administrators.....		53
(66) Board of Occupational Therapy		53
(67) Oil and Gas Board.....		11,956
(68) Pardons and Paroles.....		38,658
(69) Peace Officers' Annuity and Benefit Fund.....		369
(70) Peace Officers' Standards and Training Commission		474
(71) Physical Fitness Commission..		632
(72) Board of Physical Therapy		158
(73) Plumbers and Gas Fitters Examiners Board.....		1,422
(74) Public Library Service		4,898
(75) Department of Public Safety		134,302
(76) Public Service Commission....		15,484
(77) Alabama Educational Television Commission.....		9,059
(78) Real Estate Appraisers Board		369
(79) Real Estate Commission		1,896
(80) Retirement Systems		16,696
(81) Department of Revenue		143,519
(82) Secretary of State		6,162
(83) Securities Commission		2,107
(84) Board of Social Work Examiners.....		158
(85) Soil and Water Conservation Committee		369
(86) Surface Mining Commission ..		3,739
(87) Bureau of Tourism and		

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
Travel.....		6,320	
(88) State Treasurer		5,109	
(89) Department of Veterans' Affairs		6,899	
(90) Board of Veterinary Medical Examiners.....		158	
(91) Voter Registration.....		211	
(92) Department of Youth Services.....		45,081	
Total State Personnel Department...		3,865,139	3,865,139

105. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program..		105,730
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	105,730	
As provided in Section 34- 24-195, Code of Alabama 1975.		
Total Board of Physical Therapy	105,730	105,730

**106. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program..		1,000,000
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners Fund	1,000,000	
As provided in Section 34-37- 5, Code of Alabama 1975.		
Total Alabama Plumbers and Gas Fitters Examining Board.....	1,000,000	1,000,000

107. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program..		15,000
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	15,000	
As provided in Section 34-25- 5, Code of Alabama 1975.		
Total Board of Polygraph Examiners	15,000	15,000

108. PROSECUTION SERVICES, OFFICE OF:

(a) Prosecution, Training, Education and Management Program		894,466
SOURCE OF FUNDS:		
(1) State General Fund	132,689	
(2) Office of Prosecution Services Fund.....		761,777
Total Office of Prosecution Services	132,689	894,466

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
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109. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:				
(a)	Professional and Occupational Licensing and Regulation Program..			89,735
SOURCE OF FUNDS:				
(1)	Board of Examiners in Psychology Fund		89,735	
	As provided in Section 34-26- 43, Code of Alabama 1975.			
	Total Alabama Board of Examiners in Psychology		89,735	89,735
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110. PUBLIC SAFETY, DEPARTMENT OF:				
(a)	Police Services Program			27,091,180
(b)	Public Safety Support Services Program			10,965,074
(c)	Administrative Services Program....			19,236,538
SOURCE OF FUNDS:				
(1)	State General Fund	45,152,916		
(2)	Transfer from ABC Profits		2,000,000	
(3)	Transfer from Public Road and Bridge Fund-Act 91-797.. Notwithstanding the provi- sions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be ex- pended for the enforcement of state traffic and motor vehicle laws.		3,500,000	
(4)	Transfer from Public Road and Bridge Fund		900,000	
(5)	Federal and Local Funds		4,714,866	
(6)	Automated Fingerprint Iden- tification System Fund		1,025,010	
	In Accordance with Act 92-676			
	Total Department of Public Safety ..	45,152,916	12,139,876	57,292,792
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111. PUBLIC SERVICE COMMISSION:				
(a)	Regulatory Services Program.....			5,467,060
(b)	Administrative Services Program....			5,187,596
	The above appropriation includes a transfer to the State General fund of \$1,300,000.			
SOURCE OF FUNDS:				
(1)	Public Service Commission Fund		9,904,576	
	The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utili- ties, radio companies and			

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	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.			
(2) Gas Pipeline Safety Fund.....		579,080	
(3) Departmental Receipts		16,000	
(4) Federal and Local Funds		155,000	
Total Public Service Commission....		10,654,656	10,654,656

**112. REAL ESTATE APPRAISERS BOARD,
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program..		392,527
SOURCE OF FUNDS:		
(1) Real Estate Appraisers Board Fund	392,527	
In accordance with Section 34-27A-1 through 34-27A-29, Code of Alabama 1975.		
Total Alabama Real Estate Appraisers Board	392,527	392,527

**113. REAL ESTATE COMMISSION,
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program..		2,478,028
SOURCE OF FUNDS:		
(1) Alabama Real Estate Commission Fund	2,478,028	
As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.		
Total Alabama Real Estate Commission	2,478,028	2,478,028

114. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program		74,474,681
SOURCE OF FUNDS:		
(1) State General Fund-Transfer ..	242,000	
As provided in Section 40-7-		

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		<u>Fund Sources Included In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.				
(2)	State General Fund-Board of Equalization	96,827		
(3)	Transfer from the gross proceeds of Cigarette Tax Collections		1,369,626	
As provided in Section 40-25-27, Code of Alabama 1975.				
(4)	Transfer from the gross proceeds of Financial Institution Excise Tax Collections		354,991	
(5)	Transfer from the proceeds of the Forest Severance Tax Collections		130,693	
(6)	Transfer from the gross proceeds of Gasoline Tax Collections		6,214,900	
(7)	Transfer from the Income Tax Collections		21,092,260	
(8)	Transfer from the gross proceeds of Motor Fuel Tax Collections		1,295,328	
(9)	Transfer from the gross proceeds of Motor Vehicle License Collections		2,808,541	
(10)	Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		859,415	
(11)	Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		2,117,236	
(12)	Transfer from the gross proceeds of Sales Tax Collections		18,607,404	
(13)	Transfer from the gross proceeds of the Tobacco Tax Collections		56,036	
(14)	Transfer from the gross proceeds of Use Tax Collections		2,036,315	
(15)	Transfer from the gross proceeds of the Utility Tax Collections		4,521,164	
(16)	Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,365,083	
(17)	Inspection fees for restored			

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
	vehicles		1,250,000	
	As provided in Section 32-8-87, Code of Alabama 1975.			
(18)	Transfer from Abandoned Property Trust Fund.....		100,000	
	As provided in Section 35-12-39, Code of Alabama 1975.			
(19)	Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections		33,464	
(20)	Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections		233,134	
(21)	Transfer from the gross proceeds of the Disproportionate Share Hospital Privilege Tax Collections		1,659,828	
(22)	Local Funds.....		6,900,000	
(23)	Ad Valorem Equalization Fund		130,436	
	The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Department of Revenue		338,827	74,135,854	74,474,681

115. SECRETARY OF STATE:

(a)	Administrative Support Services Program		1,281,459	
	SOURCE OF FUNDS:			
(1)	State General Fund	843,959		
(2)	UCC and Farm Indexing Fund		142,500	
(3)	Corporations Fund		295,000	
Total Secretary of State		843,959	437,500	1,281,459

116. SECURITIES COMMISSION:

(a)	Regulatory Services Program.....		1,757,897	
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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:				
(1)	State General Fund	400,000		
(2)	Sale of Checks License Fund ..		10,000	
(3)	Securities Commission Fund ..		1,347,897	
	Total Securities Commission	400,000	1,357,897	1,757,897
117. SENIOR CITIZENS HALL OF FAME, ALABAMA:				
(a)	Historical Resources Management Program			20,113
	To be expended in accordance with Section 41-9-740 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:				
(1)	State General Fund	20,113		
	Total Alabama Senior Citizens Hall of Fame.....	20,113		20,113
118. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:				
(a)	Professional and Occupational Licensing and Regulation Program..			102,106
SOURCE OF FUNDS:				
(1)	Alabama State Board of Social Work Examiners Fund		102,106	
	As provided in Section 34-30- 6, Code of Alabama 1975.			
	Total Alabama State Board of Social Work Examiners		102,106	102,106
119. SOIL AND WATER CONSERVATION COMMITTEE, STATE:				
(a)	Water Resource Development Program			1,257,405
(b)	Professional and Occupational Licensing and Regulation Program..			5,000
SOURCE OF FUNDS:				
(1)	State General Fund	1,217,405		
(2)	Soil Classifiers Fund.....		5,000	
	As provided in Section 34-32- 19, Code of Alabama 1975.			
(3)	Transfer from Agricultural and Conservation Develop- ment Commission		40,000	
	Total State Soil and Water Conservation Committee	1,217,405	45,000	1,262,405
120. SOUTHERN GROWTH POLICIES BOARD:				
(a)	Special Services Program			25,666
SOURCE OF FUNDS:				
(1)	State General Fund	25,666		
	Total Southern Growth Policies Board	25,666		25,666

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
121. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program..			69,700
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund		69,700	
As provided in Section 34- 28A-44, Code of Alabama 1975.			
Total Alabama Board of Examiners for Speech Pathology and Audiologi		69,700	69,700
122. SPORTS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			176,983
SOURCE OF FUNDS:			
(1) State General Fund	176,983		
Total Alabama Sports Hall of Fame	176,983		176,983
123. SURFACE MINING COMMISSION, ALABAMA:			
(a) Industrial Safety and Accident Prevention Program			5,041,934
SOURCE OF FUNDS:			
(1) State General Fund-Transfer ..	332,539		
(2) Surface Mining Commission- Fees		867,198	
(3) Federal and Local Funds		1,242,197	
(4) Bond Forfeiture/Reclamation Projects, Estimated		2,600,000	
As provided in Section 9-16- 103, Code of Alabama 1975.			
Total Alabama Surface Mining Commission	332,539	4,709,395	5,041,934
124. TANNEHILL FURNACE AND FOUNDRY COMMISSION:			
(a) Historical Resources Management Program			409,823
SOURCE OF FUNDS:			
(1) State General Fund	409,823		
Total Tannehill Furnace and Foundry Commission	409,823		409,823
125. TENNESSEE-TOMBIGBEE WATER- WAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			89,563
SOURCE OF FUNDS:			
(1) State General Fund	89,563		

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Total Tennessee-Tombigbee Waterway Development Authority ...	89,563		89,563
126. TENNESSEE VALLEY EXHIBIT COM- MISSION OF ALABAMA:			
(a) Promotional Development Program . To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.			357,270
SOURCE OF FUNDS:			
(1) State General Fund	245,450		
(2) Admissions and Concessions ..		111,820	
Total Tennessee Valley Exhibit Commission of Alabama	245,450	111,820	357,270
The above appropriation to the Ten- nessee Valley Exhibit Commission in- cludes \$60,000 for payment of debt service on the Tennessee Valley Ex- hibit Commission of Alabama Project Revenue Bonds.			
127. TOURISM AND TRAVEL, BUREAU OF:			
(a) Tourism and Travel Promotion Program			5,121,006
SOURCE OF FUNDS:			
(1) State General Fund	1,033,566		
(2) Lodgings Tax (\$0.01)		4,087,440	
Receipts collected under the provisions of Section 40-26-1, et seq., Code of Alabama 1975.			
Total Bureau of Tourism and Travel	1,033,566	4,087,440	5,121,006
128. TREASURER, STATE:			
(a) Fiscal Management Program			4,132,010
SOURCE OF FUNDS:			
(1) State General Fund	1,979,283		
(2) Prepaid Affordable College Tuition Fund		2,152,727	
Total State Treasurer	1,979,283	2,152,727	4,132,010
129. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:			
(a) Special Services Program, Estimated			5,764
SOURCE OF FUNDS:			
(1) State General Fund	5,764		
As provided in Section 41-9- 374, Code of Alabama 1975.			
Total Alabama Commission on Uniform State Laws	5,764		5,764

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
130. VETERANS' AFFAIRS, DEPARTMENT OF:				
(a)	Administration of Veterans' Affairs Program			5,513,424
(b)	Capital Outlay Program			1,177,284
	SOURCE OF FUNDS:			
(1)	State General Fund	3,311,009		
(2)	Veterans Home Trust Fund-Transfer		3,379,699	
	Total Department of Veterans' Affairs	3,311,009	3,379,699	6,690,708
131. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:				
(a)	Professional and Occupational Licensing and Regulation Program..			145,000
	SOURCE OF FUNDS:			
(1)	State Board of Veterinary Medical Examiners Fund		145,000	
	As provided in Section 34-29-70, Code of Alabama 1975.			
	Total Alabama State Board of Veterinary Medical Examiners		145,000	145,000
132. VOTER REGISTRATION IDENTIFICATION PROGRAM:				
(a)	Special Services Program			380,044
	SOURCE OF FUNDS:			
(1)	State General Fund	380,044		
	Total Voter Registration Identification Program	380,044		380,044
133. WOMEN'S COMMISSION, ALABAMA:				
(a)	Employment and Social Opportunities Program			11,084
	SOURCE OF FUNDS:			
(1)	State General Fund	11,084		
	Total Alabama Women's Commission	11,084		11,084
134. WOMEN'S HALL OF FAME, ALABAMA:				
(a)	Historical Resources Management Program			4,828
	SOURCE OF FUNDS:			
(1)	State General Fund	4,828		
	Total Alabama Women's Hall of Fame	4,828		4,828
135. YOUTH SERVICES, DEPARTMENT OF:				
(a)	Youth Services Program			6,593,727
	The above appropriation shall be ex-			

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		Fund Sources Included In Appropriation Total	
		General Fund	Appropriation Total
<p>pended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975.</p> <p>SOURCE OF FUNDS:</p> <p>(1) State General Fund-Community Subsidy 3,310,099</p> <p>(2) State General Fund-Juvenile Probation Officers Subsidy 3,283,628</p> <p>Total Department of Youth Services <u>6,593,727</u> <u>6,593,727</u></p> <p>The above appropriation for Community Subsidy shall include \$110,210 for those nonsecure programs funded in FY 1992-93. Any funds appropriated for Probation Officers Subsidy that is not required for that purpose shall be expended for community Subsidy Programs.</p>			
2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE			
GENERAL FUND:			
1. ARREST OF ABSCONDING FELONS:			
(a) Criminal Investigation Program, Estimated.....			62,920
SOURCE OF FUNDS:			
(1) State General Fund		62,920	
As provided in Section 15-9-1 and 15-9-3, Code of Alabama 1975.			
Total Arrest of Absconding Felons ..		<u>62,920</u>	<u>62,920</u>
2. ATTORNEYS' FEES FOR REAPPORTMENT CASES:			
(a) Special Services Program, Estimated.....			137,940
SOURCE OF FUNDS:			
(1) State General Fund		137,940	
Total Attorneys' Fees for Reapportionment Cases		<u>137,940</u>	<u>137,940</u>
3. AUTOMATIC APPEAL EXPENSE:			
(a) Legal Advice and Legal Services Program, Estimated			88
SOURCE OF FUNDS:			
(1) State General Fund		88	
As provided in Section 12-22-150 and 12-22-241, Code of Alabama 1975.			
Total Automatic Appeal Expense		<u>88</u>	<u>88</u>
4. CONSUMER UTILITY RATE HEARING:			
(a) Executive Direction Program.....			200,000
SOURCE OF FUNDS:			
(1) State General Fund		200,000	
As provided in Section 37-1-18, Code of Alabama 1975.			

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		<u>Fund Sources Included In Appropriation Total</u>	
		<u>General Fund</u>	<u>Earmarked Funds</u>
			<u>Appropriation Total</u>
Total Consumer Utility Rate Hearing		200,000	200,000
5.	COURT ASSESSED COSTS NOT PROVIDED FOR:		
(a)	Special Services Program, Estimated.....		1,700,000
	As provided in Sections 22-52-14, 30-4-96, 26-17-17, 22-11A-1 through 22-11A-41 and 12-21-131, Code of Alabama 1975.		
(b)	Legal Advice and Legal Services Program		300,000
	It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to in- clude costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judg- ments, attorneys fees, out-of-court settlements and other expenses order- ed by the court or normally identi- fied as costs of court, when any of the above is approved by the Attor- ney General.		
(c)	Automatic Appeal Cases Expense Program		40,307
	The above appropriation shall be used to reimburse reasonable ex- penses incurred by attorneys repre- senting defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Pro- vided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reason- able; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropri- ation as fees to any attorney for ser- vices, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.		
	SOURCE OF FUNDS:		
(1)	State General Fund, Estimated.....	1,700,000	
(2)	State General Fund	300,000	
(3)	State General Fund - Automatic Appeal Cases	40,307	
Total Court Assessed Costs Not Provided For.....		2,040,307	2,040,307
6.	COURT COSTS-ACT NO. 558, 1957:		
(a)	Court Operations Program, Estimated.....		400

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<hr/>				
SOURCE OF FUNDS:				
(1)	State General Fund	400		
	Pursuant to Act No. 558, 1957, Page 777.			
	Total Court Costs-Act No. 558, 1957	400		400
<hr/>				
7.	DISTRIBUTION OF PUBLIC DOCUMENTS:			
(a)	Administrative Support Services Program, Estimated			70,942
SOURCE OF FUNDS:				
(1)	State General Fund	70,942		
	As provided in Sections 36- 14-1, 36-14-11 and 41-21-8, Code of Alabama 1975.			
	Total Distribution of Public Documents	70,942		70,942
<hr/>				
8.	STATE DOCKS TRANSFER: 3,500,000			
SOURCE OF FUNDS:				
(1)	State General Fund	3,500,000		
	The above appropriation to the State Docks shall be conditional upon the availa- bility of funds and shall re- main in the State General Fund until a demonstrated need is determined and re- commended by the State Fi- nance Director and approved by the Governor.			
	Total State Docks Transfer	3,500,000		3,500,000
<hr/>				
9.	ELECTION EXPENSES:			
(a)	Special Services Program, Estimated			2,904,000
(b)	Training of Election Officials			78,166
	For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T- 595-N.			
SOURCE OF FUNDS:				
(1)	State General Fund	2,982,166		
	As provided in Section 17-21- 6, Code of Alabama 1975.			
	Total Election Expenses	2,982,166		2,982,166
<hr/>				
10.	EMERGENCY FUND, DEPARTMENTAL:			
(a)	Special Services Program			4,898,360

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	<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	4,898,360		
This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section.			
Total Departmental Emergency Fund	4,898,360		4,898,360

11. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated.....		3,570,909
SOURCE OF FUNDS:		
(1) State General Fund-Transfer ..	3,570,909	
Total Fair Trial Tax Transfer.....	3,570,909	3,570,909

12. FEEDING OF PRISONERS:

(a) Institutional Services - Corrections Program, Estimated.....		4,000,000
SOURCE OF FUNDS:		
(1) State General Fund	4,000,000	
For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.		
Total Feeding of Prisoners.....	4,000,000	4,000,000

13. FINANCE, DEPARTMENT OF - CAPITOL MOVING:

(a) Special Services Program, Estimated.....		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total Department of Finance - Capitol Moving.....	50,000	50,000

14. DEPARTMENT OF FINANCE - EMPLOYEES' SUGGESTION AWARDS PROGRAM:

(a) Fiscal Management Program.....		8,868
SOURCE OF FUNDS:		
(1) State General Fund	8,868	
In accordance with Section 36-1-7, Code of Alabama 1975.		
Total Department of Finance - Employees' Suggestion Awards Program	8,868	8,868

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<hr/>				
15.	FINANCE-FEMA, DEPARTMENT OF:			
(a)	Readiness and Recovery Program, Estimated.....			100,000
	Payments of the State's Share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.			
	SOURCE OF FUNDS:			
(1)	State General Fund	100,000		
	Total Dept of Finance-FEMA	100,000		100,000
<hr/>				
16.	FOREST FIRE FUND, EMERGENCY:			
(a)	Forest Resources Protection and Development Program.....			180,000
	SOURCE OF FUNDS:			
(1)	State General Fund-Transfer..	180,000		
	The appropriation to the Emergency Forest Fire Fund shall be conditional as provid- ed by Section 9-3-10.1, Code of Alabama 1975 and shall re- main in the State General Fund until a demonstrated need is determined and re- commended by the Director of Finance and approved by the Governor.			
	Total Emergency Forest Fire Fund..	180,000		180,000
<hr/>				
17.	GOVERNOR'S CONFERENCE, NATIONAL:			
(a)	Executive Direction Program, Estimated.....			173,602
	SOURCE OF FUNDS:			
(1)	State General Fund	173,602		
	Total National Governor's Conference	173,602		173,602
<hr/>				
18.	GOVERNOR'S PROCLAMATION EXPENSES:			
(a)	Executive Direction Program, Estimated.....			175,000
	SOURCE OF FUNDS:			
(1)	State General Fund	175,000		
	As provided in Section 17-14- 21, Code of Alabama 1975.			
	Total Governor's Proclamation Expenses.....	175,000		175,000
<hr/>				
19.	LAW ENFORCEMENT FUND:			
(a)	Criminal Investigation Program, Estimated.....			15,000

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		<u>Fund Sources Included In Appropriation Total</u>		
		<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:				
(1)	State General Fund	15,000		
	As provided in Sections 28-4-311 and 28-4-312, Code of Alabama 1975.			
	Total Law Enforcement Fund	15,000		15,000
20. LAW ENFORCEMENT LEGAL DEFENSE:				
(a)	Legal Advice and Legal Services Program, Estimated			2,500
SOURCE OF FUNDS:				
(1)	State General Fund	2,500		
	To carry out provisions of Section 36-21-1, Code of Alabama 1975.			
	Total Law Enforcement Legal Defense	2,500		2,500
21. MILITARY - EMERGENCY ACTIVE DUTY PAY:				
(a)	Military Operations Program, Estimated			175,000
SOURCE OF FUNDS:				
(1)	State General Fund	175,000		
	As provided in Section 31-2-133, Code of Alabama 1975.			
	Total Military - Emergency Active Duty Pay	175,000		175,000
22. PRINTING OF CODE SUPPLEMENTS - LEGISLATIVE REFERENCE SERVICE:				
(a)	Legislative Operations and Support Program, Estimated			364,880
SOURCE OF FUNDS:				
(1)	State General Fund	364,880		
	As provided in Section 29-7-6, Code of Alabama 1975.			
	Total Printing of Code Supplements - Legislative Reference Service	364,880		364,880
23. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:				
(a)	Administrative Support Services Program, Estimated			146,317
SOURCE OF FUNDS:				
(1)	State General Fund	146,317		
	As provided in Sections 41-21-1 through 41-21-8 and 41-4-154, Code of Alabama 1975.			
	Total Printing Codes and Supplements - Secretary of State	146,317		146,317

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		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
24. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:			
(a) Administrative Support Services Program, Estimated			443,385
SOURCE OF FUNDS:			
(1) State General Fund	443,385		
As provided in Sections 41-4-130 through 41-4-161, Code of Alabama 1975.			
Total Printing of Legislative Acts and Journals	443,385		443,385
25. REGISTRATION OF VOTERS:			
(a) Special Services Program, Estimated			1,793,220
SOURCE OF FUNDS:			
(1) State General Fund	1,793,220		
In accordance with Sections 17-4-126 and 17-4-153, Code of Alabama 1975.			
Total Registration of Voters	1,793,220		1,793,220
26. REMOVAL OF PRISONERS:			
(a) Administrative Services and Logistical Support Program, Estimated			387,926
SOURCE OF FUNDS:			
(1) State General Fund	387,926		
As provided in Sections 15-10-70 through 15-10-73, 15-9-62, 15-9-65 and 15-9-81, Code of Alabama 1975.			
Total Removal of Prisoners	387,926		387,926
27. STATE GENERAL FUND, ESTIMATED:			
			53,000,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer, Estimated		53,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.			
Total State General Fund, Estimated		53,000,000	53,000,000
2E. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:			
1. General Obligation Capital Improvement Bonds, Series B, Estimated			1,242,500
SOURCE OF FUNDS:			
(1) State General Fund, Estimated	1,242,500		

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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Total General Obligation Capital Improvement Bonds, Series B, Estimated.....	1,242,500		1,242,500
<hr/>			
2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated			1,766,233
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	1,766,233		
<hr/>			
Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	1,766,233		1,766,233
<hr/>			
3. General Obligation Docks Facilities Bonds, Series C, Estimated			1,098,000
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	1,098,000		
<hr/>			
Total General Obligation Docks Facilities Bonds, Series C, Estimated.....	1,098,000		1,098,000
<hr/>			
4. Music Hall of Fame Bonds, Estimated ...			346,870
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	346,870		
Pursuant to Constitutional Amendment No. 489 as provided in Act 88-549, 1988 Regular Session.			
<hr/>			
Total Music Hall of Fame Bonds, Estimated.....	346,870		346,870
<hr/>			
5. Corrections Institutions Bonds, Estimated.....			1,466,500
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	1,466,500		
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.			
<hr/>			
Total Corrections Institutions Bonds, Estimated	1,466,500		1,466,500
<hr/>			
6. General Obligation Refunding Bonds, 1983, Series A and B, Estimated			37,885,416
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	37,885,416		
<hr/>			
Total General Obligation Refunding Bonds, 1983, Series A and B, Estimated.....	37,885,416		37,885,416
<hr/>			
7. General Obligation Capital Bonds, 1990 Series, Estimated.....			1,930,935

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	1,930,935		
Pursuant to Constitutional Amendment No. 510 as pro- vided for in Act 89-799, 1989 Regular Session.			
Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,930,935		1,930,935
8. General Obligation Refunding Bonds, 1992, Series A and B, Estimated			14,273,383
SOURCE OF FUNDS:			
(1) State General Fund, Estimated.....	14,273,383		
Total General Obligation Refund- ing Bonds, 1992, Series A and B, Estimated.....	14,273,383		14,273,383

SECTION 3. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$12,905,638 from the State General Fund for the pro rata General Fund cost of the 27th Pay Day in FY 1993-94. These funds are to be distributed by the Department of Finance to state agencies for the pro rata General Fund cost of the 27th Pay Day (not otherwise provided for) based upon agency certification and Department of Finance verification in a format as prescribed by the Director of Finance.

SECTION 4. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 6 and 7 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 5. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when

such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 8. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 10. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. This Act shall become effective October 1, 1993.

Senator Bailey offered the following amendment to the substitute for the Bill, HB 223, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223 on page 10, line 11 by deleting the figure "17,723,055" and inserting in lieu thereof the figure "19,323,055".

Further amend on page 10, line 16 by deleting the figure "2,599,798" and inserting in lieu thereof the figure "4,199,798".

Further amend on page 10, line 18 by deleting the figures "4,269,299" and "30,704,739" and inserting in lieu thereof the figures "5,869,299" and "32,304,739" respectively.

On motion of Senator Horn, said amendment was laid on the table.

Senators Ghee and Wilson offered the following amendment to the substitute for the Bill, HB 223, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 223

Amend the substitute for House Bill 223 on page 99, after line 11, by inserting the following new Section 12 and by renumbering the remaining sections accordingly:

"Section 12. No state agency shall expend any funds appropriated

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in this act for anti-union activities nor shall any state agency engage (directly or indirectly) in any activities that are anti-union in nature."

On motion of Senator Horn, said amendment was laid on the table.

Yeas 13 Nays 12

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Dial, Dixon, Ellis, Foshee, Hale, Horn, Mitchem, Owens, Smith (B), and Waggoner -13

Nays:

Senators:

Bennett, Campbell, Corbett, Denton, Floyd, Ghee, Langford, Little, Mitchell, Sanders, Wilson, and Windom -12

And said substitute was then adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

And said Bill, HB 223, as amended by the substitute, was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 419. To make the willful violation of any provision of a

temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in *pari materia* with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 812. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

Also:

H. 3. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

Also:

H. 165. To provide a state income tax credit to physicians who

are recruited to practice and who actually practice in a small or rural community.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 240, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 240. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 240, to-wit:

SUBSTITUTE FOR HB 240

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the

Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Commission on Aging for the Care Assurance System for the Aging and Homebound from the State General Fund the sum of \$44,339.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1993.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, HB 240, as amended by the substitute, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 249, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Wilson -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 249. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -26

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 302. Relating to any county having a population of 300,000 or more inhabitants, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the police jurisdiction, fire protection, planning commission, or zoning of any municipality in the county; providing that the police jurisdiction, fire protection, planning commission, or zoning of the respective municipality shall be as the city limits of the respective municipalities exist in the county, on the effective date of this act unless the city limits extend in the future, and further providing for the regulations of the planning commissions outside the corporate limits; and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 657. Relating to the Water Works and Sanitary Sewer Board of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Wilson, B.I.R., HB 245, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 245. To make an appropriation from the State General Fund to the Alabama Mining Academy for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

On motion of Senator Wilson, the Rules were suspended and further consideration of the Bill, HB 245, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 260, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 260. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 237, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 237. To make an appropriation from the State General Fund

to the Child Advocacy Centers and to the Alabama Network of Children's Advocacy Centers, Inc. for the fiscal year ending September 30, 1994, and to require operations plans and audited financial statements prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 237, to-wit:

SUBSTITUTE FOR HB 237

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Child Advocacy Centers and to the Alabama Network of Children's Advocacy Centers, Inc. for the fiscal year ending September 30, 1994, and to require operations plans and audited financial statements prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated the total sum of \$732,225 to the Child Advocacy Centers and to the Alabama Network of Children's Advocacy Center, Inc. from the State General Fund in the amount for each as given below. Said appropriation is to be used for the support and maintenance of said centers as follows:

1. Prescott House-Birmingham48,815
2. National Children's Advocacy Center, Inc.-Huntsville..48,815
3. The Child Advocacy Center, Inc.-Mobile.....48,815
4. Montgomery Child Protection and Advocacy Center,
Inc48,815
5. Tuscaloosa Children's Center, Inc.48,815
6. Bessemer Cut-off Advocacy Center, Inc.....48,815
7. Blount County Children's Center, Inc.....48,815
8. Gadsden-Etowah County Children's Advocacy Center,
Inc48,815

9. Care House-Baldwin County48,815
10. Calhoun-Cleburne Children's Center, Inc.48,815
11. Northwest Alabama Children's Center48,815
12. DeKalb County Children's Advocacy Center, Inc48,815
13. St. Clair County Children's Advocacy Center48,815
14. Alabama Network of Children's Advocacy Centers,
Inc48,815
15. Houston-Henry County Children's Advocacy Center48,815

Section 2. Thirteen centers receiving funds under this act have been certified by the Alabama Network of Children's Advocacy Center, Inc. as having met, by January 31, 1993, all of the standards of a children's advocacy center under Alabama Act 92-558 and are full members in good standing with that organization.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, operations plans for fiscal year 1993-94 and audited financial statements for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 4. This act shall become effective October 1, 1993.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 237, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford,

Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J),
Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 233, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,
Denton, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford,
Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J),
Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 233. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 233, to-wit:

SUBSTITUTE FOR HB 233

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Coalition Against Domestic Violence from the State General Fund the sum of \$349,112.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 233, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 739. Amends §22-35-1 et seq. Code of Alabama 1975 to authorize the assessment of an Underground and Aboveground Storage Tank Trust Fund Charge; and to direct the Underground and Aboveground Storage Tank Trust Fund Charge to become the primary funding mechanism for the Alabama Underground and Aboveground Storage Tank Trust Fund; to provide coverage under the Fund for certain aboveground motor fuels storage tanks; and to clarify the benefits available under the fund for third-party claims.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 232, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 232. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 232, to-wit:

SUBSTITUTE FOR HB 232**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Coosa-Alabama River Improvement Association, Inc. from the State General Fund the sum of \$68,970.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, HB 232, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 227, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee,

Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 194, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 194. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

was taken up.

Senator Bennett offered the following amendment to the Bill, HB 194, to-wit:

AMENDMENT TO HB 194

Amend House Bill 194 in Sections 1 and Section 2 by striking the figure "\$50,000" and by inserting in lieu thereof the figure "\$300,000".

Senator Little offered the following amendment to the Bill, HB 194, to-wit:

AMENDMENT TO HB 194

Amend House Bill 194 in Section 2 by deleting the number "\$50,000" and inserting in lieu thereof the number "\$350,000".

Further amend on page 1, by deleting lines 25 and 26 and inserting in lieu thereof:

"Foundation from the State General Fund the sum of \$350,000 for the transportation of dialysis patients."

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 194, and pending amendments, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 249. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 260. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 248, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 248. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 248, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 238, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 238. To make an appropriation from the State General Fund

to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 238, to-wit:

SUBSTITUTE FOR HB 238

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Council on Child Abuse, Inc. from the State General Fund the sum of \$116,509.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1993.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, HB 238, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 251, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 251. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 252, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 252. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 244, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 244. To make an appropriation from the State General Fund

to the Alabama Travel Council for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 244, to-wit:

SUBSTITUTE FOR HB 244

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Travel Council from the State General Fund the sum of \$71,390.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94, and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, HB 244, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 255, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 255. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 256, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 256. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 263, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 263. To make an appropriation from the State General Fund

to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 263, to-wit:

AMENDMENT TO HB 263

Amend House Bill 263, on Page 1, Lines 23 and 24, as follows:

By deleting the written and numerical figure "\$11,495" and inserting in lieu thereof the written and numerical figure "\$16,495".

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

And said Bill, HB 263, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 262, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,

deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 262. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, SB 407.

Senator Mitchell, B.I.R., SB 407, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 407. To make a supplemental appropriation from the State

Bar Association Fund to the Alabama State Bar Association for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 413, offered.

Senator Parsons offered the following amendment to the Budget Isolation Resolution for the Bill, HB 413, to-wit:

AMENDMENT TO BUDGET ISOLATION RESOLUTION FOR HB 413

Amend Resolution Line 11 after the word 448 by adding

"and Section 261"

Amend Line 16, after the word 448 by adding

"and Section 261"

On motion of Senator Barron, said amendment was laid on the table.

Senator Barron, B.I.R., HB 413, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 413. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 413, to-wit:

SUBSTITUTE FOR HB 413

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services \$212,373 for the fiscal year ending September 30, 1993. Of the amount appropriated herein, \$50,000 shall be expended for capital outlay. This appropriation shall be in addition to any and all other funds appropriated to the Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom

-25

Nays:

- 0

And said Bill, HB 413, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

FURTHER CONSIDERATION OF HB 194

The Senate proceeded to further consideration of the Bill, HB 194. The question was on the Little amendment.

On motion of Senator Bennett, said amendment was laid on the table.

The question recurred on the Bennett amendment to the Bill, HB 194.

On motion of Senator Bennett said amendment was laid on the table.

Senator Bennett then offered the following substitute for the Bill, HB 194, to-wit:

SUBSTITUTE FOR HB 194

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Kidney Foundation from the State General Fund the sum of \$300,000.

Section 2. The above appropriation of \$300,000 shall be used for

the transportation of dialysis and transplant patients. In addition to the above appropriation there is hereby appropriated the sum of \$50,000 from the State General Fund to be conditioned on availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor. The conditional appropriation, if released, shall be used solely for the same purposes as the absolute appropriation. None of the funds appropriated in this act shall be used for administrative purposes.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of the Department of Finance.

Section 4. This act shall become effective October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays: - 0

And said Bill, HB 194, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays: - 0

RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 125. RECOGNIZING THE ACCOMPLISHMENTS OF

THE GREENE COUNTY CHAPTER II GIFTED/ENRICHMENT PROGRAM.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the outstanding accomplishments of the Chapter II Gifted/Enrichment Program in Greene County, Alabama; and

WHEREAS, the Chapter II Program is designed to provide enrichment activities to those eligible students identified as gifted, by expanding on subject matter taught in the regular classroom, developing those skills and qualities needed for maturity and for meeting the challenges of adulthood, and by focusing on subjects of interest to the students; and

WHEREAS, an additional component of the program is student participation in the annual Odyssey of the Mind competition, a creative problem-solving competition, and this year, in the 1993 competition, Greene County students captured regional and state honors, and will represent the state in World Final competition to be held later this year; additionally, they received an "OMER" award for outstanding performance in spontaneous problem solving; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the many accomplishments of the Greene County Chapter II Gifted/Enrichment Program, and do further direct that a copy of this resolution be provided for appropriate presentation to Director/Coordinator for the program, Mrs. Inez P. Singleton.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 126. COMMENDING NORMAN ATKINS, JR., ON OUTSTANDING ACHIEVEMENTS.

WHEREAS, Norman Atkins, Jr., of Eutaw, Alabama, and a junior at Paramount High School in Boligee, Alabama, has many extraordinary accomplishments; and

WHEREAS, the talented and precocious Mr. Atkins has demonstrated his talents as researcher, scientific engineer and developer as a 1989, 1990, 1991, and 1993 finalists in the Alabama State Science and Engineering Fair in microbiology, botany, and zoology, and twice during that time he has won high honors in the International Science and Engineering Fair; he was a participant in the Brookhaven Semester

Program National Convention and he has captured many awards in a broad field for his scientific experiments and exhibits; and

WHEREAS, he has earned many other honors including the 1992 recipient of National Science Merit Award and the National Honor Society; he has been a delegate to a multitude of national forums as a research presenter; and he was one of Alabama's 20 minorities selected to attend the 1993 Biomedical Science and Public Health Career Opportunities Symposium, Washington, D.C.; and

WHEREAS, high intelligence, versatile interests, arduous honors of study and experimentation, and dedication have earned Mr. Atkins many coveted awards and honors and his recognition has honored this State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Mr. Norman Atkins, Jr., on his outstanding accomplishments and awards, and particularly his contributions to science, and further we direct that a copy of this resolution be sent to Mr. Atkins and to his parents, Mr. and Mrs. Norman Atkins, Sr., so that they may know of our great pride and commendation of his many achievements, and best wishes for all future endeavors.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Windom and Denton requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 127. COMMENDING AND EXPRESSING APPRECIATION TO THE ALABAMA POWER COMPANY EMPLOYEES.

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the employees of Alabama Power Company for their extraordinary efforts in the aftermath of the recent snowstorm and sub-freezing conditions; and

WHEREAS, at the peak of the outage, there were 404,206 customers who did not have power; these represent about one-third of all Alabama Power customers; and

WHEREAS, assisted by over 2,300 crew personnel from 13 states, Alabama Power employees worked up to 20-hour shifts per employee; and

WHEREAS, employees of the Power Company, including the

service department, line crews, support staff, plant personnel, and management, worked diligently and tirelessly under the most severe weather conditions to restore power to the homes and businesses without service, and to reach customers who were stranded and unable to seek emergency shelter due to downed trees and power lines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a job well done, we hereby most highly commend the men and women of Alabama Power Company for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for appropriate presentation to Alabama Power Company.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 520, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 520. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1994 and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

Senator Barron offered the following amendment to the Bill, SB 520, to-wit:

AMENDMENT TO SB 520

Amend Senate Bill 520 on page 1, lines 9 and 10 and on page 1,

line 20 and on page 1, line 27 by deleting the words:

"North and Central".

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, SB 520, was postponed subject to the call of the Chair.

BILL RECONSIDERED

On motion of Senator Barron, the Senate reconsidered the vote by which the Bill, HB 255, was passed.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 255, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF HB 248

The Senate proceeded to further consideration of the Bill, HB 248.

Senator Corbett offered the following substitute for the Bill, HB 248, to-wit:

SUBSTITUTE FOR HB 248

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1994, there

is hereby appropriated to the Lighthouse Counseling Center from the State General Fund the sum of \$20,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays: - 0

And said Bill, HB 248, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, HB 508.

Senator Denton, B.I.R., HB 508, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn,

Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B),
Waggoner, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 508. To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell,
deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd,
Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Parsons, Sanders,
Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, HB 516.

Senator Barron, B.I.R., HB 516, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell,
deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd,
Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Parsons, Sanders,
Smith (J), Waggoner, Wilson, and Windom -27

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 516. Providing that oxygen or durable medical equipment

ultimately provided to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes and that a provider of oxygen or durable medical equipment which is rented or leased to a recipient of Medicare or Medicaid benefits shall be exempt from rental and leasing taxes on the gross receipts of the transaction.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

Senator Barron moved that the Senate reconsider the vote by which the Bill, HB 516, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

Senators Dial and Hill requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 128. NAMING THE "BILL FRANCE BOULEVARD" IN TALLADEGA COUNTY, ALABAMA.

WHEREAS, the late Bill France, whose lamentable death on June 7, 1992, was a grievous loss to the State of Alabama, left an enduring legacy that continues to greatly benefit our state and, most particularly, the Talladega County community where he made many friends who remember him with affection and esteem; and

WHEREAS, shortly after the opening of Alabama International Speedway, Bill France worked tirelessly to develop a motorsports museum--a facility which he believed would most positively affect the local business community by bringing visitors to the area, and which would also serve as a year-round attraction for racing fans and countless others interested in automobiles and motor sports; and

WHEREAS, primarily as a result of his tireless efforts, a legislative act in February 1975 established what is now known as the International Motorsports Hall of Fame; and

WHEREAS, this outstanding facility was considered by Bill France

to be his special tribute to the people of Alabama, and it is the desire of this body that the State of Alabama, in turn, pay special tribute to Mr. France in a lasting and meaningful manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the highway in Talladega County, now known as "Speedway Boulevard," is hereby named and designated in memory and honor of Bill France, and shall henceforth be known as the "Bill France Boulevard."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate designatory signs and markers, and also to provide continuing maintenance of said "Bill France Boulevard."

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 129. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Sixth Legislative day only.

	Page
H. 257	93
Sentencing Institute, Approp.	
H. 453	177
Birmingham Football Foundation, approp.	
S. 167	41
State Employee Injury Compensation Program, estab., remedy for employees injured at work, Secs. 41-9-62, 41-9- 68 am'd.	
S. 238	45
Environmental Management Dept. auth. to implement a motor vehicle emission control program, Secs. 22-28-2 and 22-28-12 am'd.	
H. 335	134
Employees' and Teachers' Retirement System, retirees and beneficiaries, cost of living incr., provided	

S. 133	50
Legislature, limitation on terms, consti. amend.	
S. 517	128
Teachers' Retirement System, reopened for prior service with Birmingham Area Educational Television Project	
S. 247	30
Class 3 muns., number of membs. on mun. bd., committee or like body, same as number on mun. gov. body	
S. 572	124
Gang activities, enhanced punishment estab., forfeiture of property	
S. 258	18
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.	
S. 568	132
Criminal Justice Information Center, policies re arrest and crim. history info. to conform to National Crime Information Center, maintenance and dissemination of arrest info., Secs. 41-9-594, 41-9-625 am'd.; Secs. 41-9-639, 41-9-641 repealed	
S. 581	146
Murder committed outside a dwelling or while victim is in motor vehicle or the deadly weapon is fired or used within or from a vehicle, capital offenses, Sec. 13A-5-40 am'd.	
S. 331	105
Employer immunity from civil liability for providing job performance or professional conduct evaluations of former employees	
S. 536	118
Tobacco Use Act of 1993, estab., sale, distribution, and use of tobacco and tobacco products reg., penalties, Sec. 13A-12-3 repealed	
S. 490	134
Students, uniform dress prog., local school bds. auth. to implement	
S. 613	179
Juvenile criminals from age 16, tried as adults for cert. felonies, jurisdiction of juvenile ct.	

REGULAR SESSION
26th Day

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H. 552	159
Cotton Grower's Association, bd. membership incr. to nine, appt. by Commissioner of Agriculture and Industries and others, Sec. 2-19-130 and 2-19-132 am'd.	
H. 925	166
HIV infected persons, st. health officer req. to provide information re in cert. criminal proceedings, Sec. 22-11A-38 am'd.	
S. 535	166
H. 337	162
Contractors performing public works contracts, exempt from additional severance, sales and use taxes incurred as a result of tax increases during performance of contract	
S. 450	51
S. 494	142
Initiative process, consti. amend.	
S. 611	51
Public and non-public hospitals, cert. taxes and charges for Medicaid Prog. repealed, disproportionate share payment to hospitals reg., Secs. 22-6-60 to 22-6-64, 40-26B-40 to 40-26B-47 repealed	
S. 434	52
Child abuse, crime of transferred to criminal code, Secs. 26-15-1 to 26-15-4 repealed	
S. 125	38
Divorce settlement awards, allowance for retirement pension benefits further provided, Sec. 30-2-51 am'd.	
S. 460	72
Innkeepers Rights Act, estab., penalties	
H. 442	157
Weed control work, certification, pesticide use certification, pest control reg., fees, Secs. 2-28-1, 2-28-3, 2-28-4, 2-28-5, 2-28-8 am'd; Secs. 2-28-6, 2-28-10 repealed	
S. 416	96
County bd. of ed., vacancy appointment for unexpired term or next election, Sec. 16-8-6 am'd.	

S. 117	57
Railroads, private and logging, reg. of safety at public road crossing, Sec. 37-1-37 am'd.	
H. 411	177
Mussel catcher's license for residents and nonresidents, fees incr., penalties, Conservation and Natural Resources Dept. to implement, Sec. 9-11-372 am'd.	
S. 159	48
S. 547	135
Superintendents of ed., co. and city, qualifications standardized, Secs. 16-9-1, 16-9-2, 16-12-1, 16-12-2 am'd.; Sec. 16-9-12 repealed	
S. 668	178
Employees' Retirement System, cert. co. employees, auth. to transfer to, funding alt., Sec. 36-27-6 am'd.; Act 93-191, Reg. Sess. 1993 am'd.	
H. 1	129
Goodwill Industries; Ala. Goodwill Industries, Inc.; Goodwill Industries of Mobile Area, Inc.; Goodwill Industries of Central Ala., Inc., exempted from all st., co., and mun. sales and use taxes	
S. 378	85
Human Resources Dept., fees for investigation in divorce cases, Sec. 30-3-7 repealed	
H. 21	79
Taxation, ad valorem tax for fire protection purposes, distrib., consti. amend.	
H. 101	157
Fishing licenses, freshwater, fishing in private pond without a license permitted, Sec. 9-11-53 am'd.	
S. 158	2
Attorney General, number of investigators incr., Sec. 36-15-60 am'd.	
H. 625	132
Class 3 muns., city council membership incr., dists. incr. to seven, but not more than nine	

REGULAR SESSION
26th Day

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H. 355

134

Class 3 muns., cable communication services, operation, leasing, sale auth., management contracts exempt from competitive bids

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 257, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 257. To transfer \$300,000 from the Department of Corrections to the Sentencing Institute for the fiscal year ending September 30, 1994.

And said Bill, HB 257, was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 453, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial,

Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 453. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 167, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 167. To authorize the director of finance to establish by October 1, 1993, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which

currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

was taken up.

The Standing Committee on Governmental Affairs/State Administration reported the following substitute for the Bill, SB 167, to-wit:

SUBSTITUTE FOR SB 167

**A BILL
TO BE ENTITLED
AN ACT**

To authorize the director of finance to establish by October 1, 1993, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The director of finance shall have the authority to implement a program to provide compensation for employees of the state and its agencies, departments, boards or commissions who suffer personal injury as a result of accidents arising out of and in the course of their state employment, under such terms and conditions as the director of finance shall determine. The said program will be administered by the Division of Risk Management of the Department of Finance, and will take effect on October 1, 1993.

Section 2. The costs of the program and its administration shall be paid from the funds appropriated for the operation of the several state departments, agencies, boards and commissions, to which the director of finance may apportion the costs. Medical costs may be managed by cooperative agreement with the state employees' insurance board.

Section 3. There is hereby established a separate special trust fund in the state treasury to be known as the employee injury compensation trust fund. All receipts collected under the provisions of this Act shall be deposited in this fund and used only to carry out the provisions of this Act. Any funds unspent and unencumbered at the end of each fiscal year shall not revert to any other fund in the state treasury but shall be carried forward to the succeeding fiscal year. All funds in the employee injury compensation trust fund may be invested and reinvested by the director of finance, through the Division of Risk Management, under the same terms as apply to the State Insurance

Fund. There is hereby appropriated from the employee injury compensation trust fund such amounts as are necessary to pay claims, benefits, administrative costs, and all other costs of the program.

Section 4. Except as provided herein, the program implemented pursuant to this Act is not governed by or subject to the provisions of Act 92-537, or its successor, otherwise known as the Alabama Worker's Compensation Law or any similar law. Payments made to physicians licensed to practice medicine for services to injured employees shall be in accordance with the schedule of maximum fees as established under Section 25-5-313, or as otherwise permitted under Section 25-5-314. All undisputed medical reimbursements or payments shall be made within twenty five (25) working days of receipt of claims in the form specified in Section 25-5-3. There shall be added to any undisputed medical invoice which is not paid within twenty five (25) working days an amount equal to ten (10) percent of the unpaid balance. Any regulation, policy, or program directive for the conduct of utilization review, bill screenings, and medical necessity determinations related to services provided by physicians licensed to practice medicine shall comply with the regulations promulgated by the Workers' Compensation Medical Services Board under the provisions of Section 25-5-312(1). Any rules, regulations, or guidelines promulgated by the director of finance with respect to the establishment and operation of the program contemplated by this Act shall not be subject to the Administrative Procedures Act.

Section 5. Section 41-9-62, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-9-62.

"(a) The board of adjustment shall have the power and jurisdiction and it shall be its duty to hear and consider:

"(1) All claims for damages to the person or property growing out of any injury done to either the person or property by the state of Alabama or any of its agencies, commissions, boards, institutions or departments; with the exception of claims by employees of the state for personal injury or death arising out of the course of employment with the state of Alabama, where such employees are covered by an employee injury compensation program;

~~"(2) All claims for personal injuries to or the death of any employee of the state of Alabama or any of its agencies, commissions, boards, institutions or departments arising out of the course of his employment or sustained while engaged in the business of the state of Alabama or any of its agencies, commissions, boards, institutions or department;~~

~~"(3)~~ (2) All claims for personal injuries to or the death of any convict, and all claims for personal injuries to or the death of any employee of a city or county board of education, or college or university, arising out of the course of the employee's employment and where the employee is not covered by a worker's compensation program;

~~(4)~~ (3) All claims of members of the public at large or of officers of the law who are not employees of the State arising out of injuries sustained while attempting to recapture escaped convicts, which convicts have escaped after they have been placed in the actual custody of the ~~board~~ department of corrections;

~~"(5)~~ (4) All claims against the state of Alabama or any of its agencies, commissions, boards, institutions or departments arising out of any contract, express or implied, to which the state of Alabama or any of its agencies, commissions, boards, institutions or departments are parties, where there is claimed a legal or moral obligation resting on the state;

~~"(6)~~ (5) All claims for money overpaid on obligations to the state of Alabama or any of its agencies, commissions, boards, institutions or departments;

~~"(7)~~ (6) All claims for money voluntarily paid to the state of Alabama or any of its agencies, commissions, boards, institutions or departments, where no legal liability existed to make such payment;

~~"(8)~~ (7) All claims for underpayment by the state of Alabama or any of its agencies, commissions, boards, institutions or departments to parties having dealings with the state of Alabama or any of its agencies, commissions, boards, institutions or departments;

~~"(9)~~ (8) All claims for money or property alleged to have wrongfully escheated to the state of Alabama; and

~~"(10)~~ (9) All claims for injury or death of any student duly enrolled in any of the public schools of this state resulting from an accident sustained while being transported to or from school or in connection with any school activity in any bus or any motor vehicle operated directly by any school board or agency of the state or through contract with another. Awards payable to any such student for injuries sustained in such accident shall be equal to the maximum benefits payable to employees as provided in chapter 5 of Title 25 for injuries, loss of time or medical attendance; and, where death results from such injuries, the amount payable to the parent or parents of such student shall be equal to the maximum amount payable to a totally dependent parent or parents as provided by chapter 5 of Title 25; provided, however, that no payment for death of such student shall be made to any

parent or parents unless they were actually supporting such student at the time of the accident causing the injuries and death. The fact that such student has no earning capacity or earns an average wage of less than the amount which would entitle him to maximum benefits under chapter 5 of Title 25 shall in no way limit an award to him, his parent or parents. Awards for such injuries or death shall constitute a prior and preferred claim against moneys appropriated for the minimum program fund, and no part of any such award shall be charged against any funds allotted to the school board of the county or city or the district board of education of the independent school district where said accident occurred. If it should appear to the board of adjustment after investigation that the accident causing the injury or death of such student was caused under circumstances also creating a legal liability for damages on the part of any party and it should further appear to the board of adjustment that claim may be made against such party by such student, his parent or legal representative to recover damages, then, in that event, any payment otherwise due under this subdivision may be withheld by the board of adjustment pending final settlement of such claim and, if said student or his parent or legal representative recovers damages against said party, any sum so recovered and collected may be offset against payments due under this subdivision, and the balance due, if any, shall thereafter be promptly paid by the board of adjustment. The provisions of this subdivision shall apply to all claims relating to injuries to school children filed with said board within one year of the date of an accident. Minor students shall have, for the purpose of this subdivision, the same power to contract, make elections of remedy, make settlements and receive compensation as adults would have subject to the power of the board of adjustment in its discretion at any time to require the appointment of a guardian to receive moneys or awards and payments of awards made to such minor students or their guardian shall exclude any further compensation either to the minor students or to their parents for loss of service or otherwise.

"(b) The jurisdiction of the board of adjustment is specifically limited to the consideration of the claims enumerated in subsection (a) of this section and no others; provided, that nothing contained in this division shall confer upon the board of adjustment any jurisdiction now conferred by law upon the state board of compromise provided for in sections 41-1-3 and 41-1-4, and nothing contained in this division shall be construed to confer jurisdiction upon the board of adjustment to settle or adjust any matter or claim of which the courts of this state have or had jurisdiction; provided further, that the board of adjustment shall have no jurisdiction over claims growing out of forfeitures or of contracts with any state agency, commission, board, institution or department where, by law or contract, said state agency, commission, board, institution or department is made the final arbiter of any disagreement growing out of forfeitures or of contracts of said state agency, commission, board, institution or department, and, particularly,

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the board of adjustment shall have no jurisdiction of disagreements arising out of contracts entered into by the highway department.

"(c) Employees of municipalities and counties are not to be considered employees of the state of Alabama or of any of its agencies, commissions, boards, institutions or departments within the jurisdiction of this board and within the meaning of the word "employee" as used in this section."

Section 6. Section 41-9-68, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-9-68.

"(a) When claims are properly prepared and presented to the board of adjustment and, after ascertaining the facts in the case, it is directed to determine the amount of the injury, death or disability or other injury or damage arising from contract or business and to fix the damages, using as its guide, when applicable, the ordinary rules of negligence and worker's compensation laid down by the courts and the moral obligation of the state of Alabama, and to award and find the person entitled to payment and the amount, if any, which should be paid and any other facts necessary for a proper adjustment of claims. The ordinary rules of negligence as to liability are to be followed in claims by parties not employees of the state of Alabama or any of its agencies, commissions, boards, institutions or departments. The rules of chapter 5 of Title 25 as to liability are to be followed in claims for personal injury or death of employees of the state of Alabama or of any of its agencies, commissions, boards, institutions or department and also in claims for the injury or death of convicts, and claims for injury or death of any employee of a city or county board of education, or college or university.

"(b) Whenever the provisions of this division authorize ascertainment of the amount of damages and provide for payment of the judgment, finding or award of the board of adjustment, they shall be construed to include also claims arising from contract or business dealings as well as for personal injury, property damage, death and disability."

Section 7. The amendments hereinabove made to Section 41-9-62 and Section 41-9-68, Code of Alabama 1975, shall not become effective upon this Act's becoming law, but will become effective on October 1, 1993.

Section 8. This Act does not affect or repeal pre-retirement death benefits provided by the retirement systems or benefits provided by Sections 36-30-1 through 36-30-23, Code of Alabama 1975.

Section 9. Neither this Act nor any part thereof shall be construed as a waiver by the state of its sovereign immunity under the Constitution of Alabama 1901.

Section 10. The program established by the director of finance pursuant to the provisions of this Act shall not apply to the State Docks Department, nor to any educational institution, nor to any city or county board of education.

Section 11. If any section or provision of this Act is declared unconstitutional, it shall not affect the remaining sections or provisions.

Section 12. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 13. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs/State Administration then reported the following amendment to the substitute for the Bill, SB 167, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 167

Amend Governmental Affairs/State Administration Substitute for SB 167 in Section 10, on page 8, line 22, as follows:

After "Department," add the following: "the State Highway Department."

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

And said substitute, as amended, was then adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn,

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Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens,
Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

And said Bill, SB 167, as amended by the substitute, as amended,
was read a third time at length and passed, and ordered sent forthwith to
the House upon engrossment.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial,
Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn,
Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens,
Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 238, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial,
Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn,
Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens,
Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 238. To amend Sections 22-28-2 and 22-28-12, Code of Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Alabama in compliance with the federal Clean Air Act Amendments of 1990.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, SB 238, to-wit:

SUBSTITUTE FOR SB 238

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 22-28-2 and 22-28-12, Code of Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Alabama in compliance with the federal Clean Air Act Amendments of 1990.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-28-2 and 22-28-12, Code of Alabama 1975, are amended to read as follows:

"§22-28-2.

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) **AIR POLLUTION.** The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property or would interfere with the enjoyment of life or property throughout the state and in such affected territories of the state ~~as shall be affected thereby.~~

"(2) **AIR CONTAMINANT.** Any solid, liquid, or gaseous matter, any odor or any combination thereof, from whatever source.

"~~(8)~~(3) **CHAIRMAN CHAIR.** The director of the Alabama department of environmental management.

"~~(3)~~(4) **COMMISSION.** The Alabama department of environmental management.

"(5) **COMPLIANCE CERTIFICATE.** An official emission inspection certificate indicating that a vehicle has been tested in accordance with the rules and regulations adopted by the department governing the motor vehicle emission control program.

"(6) **CONTROL SYSTEM.** Equipment installed or designed for installation on a motor vehicle for the purpose of reducing the air con-

taminants emitted from the vehicle or a system or engine adjustment or modification that causes a reduction of air contaminants emitted from the vehicle.

"(7) DEPARTMENT. The Alabama Department of Environmental Management.

"(6)(8) DIRECTOR. The director of the Alabama department of environmental management.

"(5)(9) EMISSION. A release into the outdoor atmosphere of air contaminants.

"(10) ENVIRONMENTAL MANAGEMENT COMMISSION. The environmental management commission of the Alabama department of environmental management.

"(11) EXEMPTION CERTIFICATE. An official exemption certificate indicating that a vehicle is exempt from certain requirements of the motor vehicle emission control program as determined by rules and regulations adopted by the department governing the program.

"(12) INDEPENDENT CONTRACTOR. Any person, business, firm, partnership, or corporation with whom the department may negotiate an agreement in order to provide construction, equipment, maintenance, personnel, management, and operation of an official emission inspection station.

"(13) INSPECTION STATION. An official vehicle emission inspection facility for the purpose of conducting emission inspections of vehicles required to be inspected pursuant to the motor vehicle emission control program by statute, rule, and regulation.

"(14) MOTOR VEHICLE EMISSION CONTROL PROGRAM. A program developed by the department through rules and regulations which provides for the control of vehicle emissions of any air contaminant.

"(4)(15) PERSON. Any ~~and all persons~~ person, natural or artificial, including, but not limited to, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal or other business organization or any governmental entity, and any successor, representative, agent, or agency of the foregoing.

"(7)(16) STATE HEALTH OFFICER. The director of the Alabama department of environmental management.

"(9)(17) STATE AIR POLLUTION CONTROL COMMISSION. The Alabama department of environmental management.

"(18) VEHICLE. Any automobile, truck, motorcycle, or bus registered in the State of Alabama used upon the public highways of the state for the purpose of transporting persons or property."

"§22-28-12.

"(a) As the state of knowledge and technology relating to the control of emissions from motor vehicles may permit or make appropriate, and in furtherance of the purposes of this chapter, the commission may provide by rules and regulations for the control of emissions from any class or classes of motor vehicles. Such rules and regulations may, in addition, prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and of such vehicles."

"(b) (1) The commission may establish standards and requirements providing for periodic inspections and testing of motor vehicles by the commission to enforce compliance with this section."

"(2) The commission may establish reasonable fees for the inspection and testing of motor vehicles and provide by rules and regulations for the payment and collection of such fees."

"(3) If, after inspecting and testing any motor vehicle, the commission determines that such motor vehicle complies in every respect with rules, regulations, standards and requirements issued by the commission pursuant to this section, the commission shall attach to such vehicle in a clearly visible location a certificate of inspection and approval."

"(c) (1) The commission may suspend or revoke the certificate of inspection and approval of any motor vehicle not equipped with an air pollution control system or mechanism in good working order and adjustment as required by the rules and regulations of the commission. The vehicle shall not thereafter be eligible for such certificate until all parts and equipment constituting operational elements of the motor vehicle have been restored, replaced or repaired and are in good working order."

"(2) No motor vehicle shall be issued an official certificate of inspection and approval as required pursuant to this section unless all features or equipment required in or on the motor vehicle for the purpose of controlling emissions therefrom have been inspected in accordance with the standards and testing techniques required by the commission pursuant to subsection (b) of this section and have been found to meet these standards."

"(3) No person shall drive or move and no owner shall cause or

~~knowingly permit to be driven or moved on any highway any motor vehicle unless the vehicle is equipped with an air pollution control system or mechanism in good working order and adjustment as required by rules and regulations of the commission.~~

~~"(4) When, and if, the commission shall establish standards and requirements for periodic inspections and testing of motor vehicles pursuant to subsection (b) of this section, no person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any highway any motor vehicle unless there is attached to such vehicle by the commission a valid certificate of inspection and approval which has not been suspended or revoked.~~

~~"(5) Failure to comply with subdivisions (3) and (4) of this subsection shall subject the driver or owner to a penalty as provided in this chapter.~~

~~"(d) The commission, in its discretion, is hereby authorized to delegate any, or all, of the authority vested in it by this section to any agency or instrumentality of the state now or hereafter authorized to inspect motor vehicles for any purpose.~~

~~"(e) As used in this section, "motor vehicle" shall mean every self-propelled device in, or upon, or by which any person or property is or may be transported or drawn upon a public highway.~~

"(a) The department may establish, through rules and regulations, a comprehensive motor vehicle emission control program requiring the periodic inspection of vehicles in counties where such a program is required by the Clean Air Act Amendment of 1990 and regulations adopted pursuant to the Amendment by the Environmental Protection Agency.

"(b)(1) The rules and regulations adopted by the department may establish an effective date after which no vehicle, as defined in this chapter and registered in counties requiring inspection pursuant to the motor vehicle emission control program, shall have its registration renewed pursuant to Sections 40-12-240 to 40-12-274, inclusive, without a valid compliance certificate or exemption certificate or other exemption provided by rule or regulation of the motor vehicle emission control program.

"(2) Upon the establishment of a motor vehicle emission control program, the department shall notify, through certified mail, all judges of probate in counties in which the program is applicable or other appropriate agency or agent that serves as the motor vehicle registration authority in applicable counties, of the existence of the program. After notification, no judge of probate or appropriate vehicle registration

authority shall issue a motor vehicle registration to the owner of any vehicle unless the owner supplies the office of the judge of probate with a compliance certificate, an exemption certificate, or evidence that the vehicle is otherwise exempt by the motor vehicle emission control program.

"(c) The department may adopt, through rule and regulation, emission standards for vehicles for the purpose of issuing compliance certificates and exemption certificates. These standards may vary by model year, class of vehicle, engine type or size, or other applicable conditions. The department may also provide for the exemption of certain classes of vehicles from the requirements of the motor vehicle emission control program.

"(d) All compliance certificates and exemption certificates shall be issued to a vehicle only at an official emission inspection station. All certificates shall be strictly accounted for by the emission inspection station.

"(e) The department may administer or provide for a program, through rules or regulations, to train and certify mechanics in the maintenance of control systems and techniques of engine maintenance affecting vehicle emissions and may charge a fee for the program.

"(f) The department may adopt procedures, through rules and regulations, necessary to implement the comprehensive motor vehicle emission control program, including inspection schedules.

"(g)(1) The department may, by rule or regulation, establish reasonable fees for the inspection and testing of motor vehicles and for the payment and collection of those fees. The fees may be collected by the inspection station performing the necessary inspection of the vehicle to verify compliance with the motor vehicle emission control program. Fees shall be sufficient to cover the costs for the inspection and testing of a motor vehicle, the issuance of a compliance certificate or an exemption certificate at the time the inspection and testing of the vehicle is performed, or any combination of the foregoing. The department shall establish an administrative fee that shall be remitted to and used by the department for costs incurred in administering the motor vehicle emission control program.

"(2) At the request of the department, inspection stations or independent contractors, or both, shall provide documentation and a full and current accounting of all vehicles inspected and all fees collected.

"(h)(1) The department may enter into an agreement with one or more independent contractors to provide for the construction, equipment, establishment, maintenance, and operation of official vehicle emission

inspection stations in the numbers and locations required to provide vehicle owners reasonably convenient access to inspection facilities. In order for the independent contractors to amortize their costs for construction, equipment, and establishment of official vehicle emission inspection stations over longer periods of time and in order to ensure that the consumer obtains a low cost in inspection services, the provision in the competitive bid law limiting the period of time on contracts for the purchase of personal property or contractual services that involve the State of Alabama, subsection (d) of Section 41-16-27, shall not apply in agreements between the department and the independent contractors described in this act.

"(2) The department may not enter into an agreement with any independent contractor who is engaged in the business of manufacturing, selling, maintaining, or repairing vehicles and vehicle replacement or repair parts in the State of Alabama, except that the independent contractor may maintain or repair any vehicle owned or operated by the independent contractor.

"(3) The department may investigate the operation of official vehicle emission inspection stations at any reasonable time and is further authorized to revoke any contract with an independent contractor if the emission inspection stations of the contractor are not operated in accordance with the rules and regulations adopted by the department for the motor vehicle emission control program.

"(4) Contracts between the department and any independent contractor may contain provisions deemed necessary by the department for the administration or enforcement of rules and regulations adopted by the department pursuant to the Alabama Air Pollution Control Act or the Environmental Management Act.

"(i) The department shall have any additional authority that is necessary to implement a basic or enhanced inspection maintenance program as defined and described in the Clean Air Act Amendments of 1990 and any regulation adopted by the Environmental Protection Agency pursuant to the Clean Air Act Amendments of 1990.

"(j) The term department, as used throughout this section, shall also mean any local air pollution control program which is authorized by Section 22-28-23 and was in existence when the Clean Air Act Amendments of 1990 became effective on November 15, 1990.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Commerce, Transportation, and Utilities then reported the following amendment to the substitute for the Bill, SB 238, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 238

Amend the substitute for Senate Bill 238, on Page 10, as follows:

by deleting paragraph (2), lines 4 - 10.

Further amend the substitute for Senate Bill 238 on Page 10, line 11 as follows:

by renumbering paragraph (3) to paragraph (2).

Further amend the substitute for Senate Bill 238 on Page 10, line 18 as follows:

by renumbering paragraph (4) to paragraph (3).

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

And said Bill, SB 238, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 411. HONORING MR. HERMAN L. MOORE OF ATLANTA, GEORGIA, UPON HIS RETIREMENT.

And on motion of Senator Dixon, said Resolution, HJR 411, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 335. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

was taken up.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, HB 335, was postponed temporarily.

THE BILL:

S. 133. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

was taken up.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, SB 133, was postponed temporarily.

FURTHER CONSIDERATION OF SB 467

The Senate proceeded to further consideration of the Bill:

S. 467. To authorize the Alabama Public School and College Authority to sell and issue two hundred ten million dollars (\$210,000,000) aggregate principal amount of additional bonds for capi-

tal improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

having been postponed on the Twenty-Fourth Legislative Day, was taken up.

Senator Dial offered the following substitute for the Bill, SB 467, to-wit:

SUBSTITUTE FOR SB 467

A BILL TO BE ENTITLED AN ACT

To authorize the Alabama Public School and College Authority to sell and issue two hundred twenty-two million six hundred thousand dollars (\$222,600,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other

public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meaning respectively, unless the context clearly indicates otherwise:

"1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16, Code of Alabama 1975.

"1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1277 enacted at the 1973 Regular Session of the Legislature, as amended by Act No. 73 enacted at the 1975 Third Special Session of the Legislature and Act No. 1223 enacted at the 1975 Regular Session of the Legislature.

"1978 Act" means Act No. 138 enacted at the 1978 Second Special Session of the Legislature, as amended by Act No. 79-41 enacted at the 1979 Organizational Session of the Legislature and Act No. 81-827 enacted at the 1981 Regular Session of the Legislature.

"1985 Act" means Act No. 85-943 enacted at the 1985 Second Special Session of the Legislature.

"1990 Act" means Act No. 90-280 enacted at the 1990 Regular Session of the Legislature.

"Advance refunding bonds" means refunding bonds that are not current refunding bonds.

"Authority" means Alabama Public School and College Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act) means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, physical education facilities, research facilities, related campus improvements and land as sites therefor, together with fixed equipment therefor and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. For the purposes of this Act, the term "capital improvements" does not include textbooks, office supplies, or school supplies used by the educational institutions referred to in Section 2 of this Act, or any of their personnel or students.

"Current refunding bonds" means refunding bonds that are issued not more than 90 days before the last expenditure of any proceeds of the refunding issue for the payment of debt service on the prior issue.

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Legislature" means the Legislature of Alabama.

"Permitted investments" means (i) government securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks; or Farmers Home Administration or any

other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), or (v) above, which at all times have a market value (exclusive of accrued interest) not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), or (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Refunding bonds" means those current and advance refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes

Thereof. The Authority is hereby authorized to sell and issue its Bonds in the aggregate principal amounts of two hundred twenty-two million six hundred thousand dollars (\$222,600,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment of any types of Capital Improvements for public educational purposes in the State, for senior colleges and universities, junior colleges, technical colleges, elementary-secondary school systems and other public educational entities, and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. The Bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds previously authorized to be issued by it, and the powers conferred on the Authority by this Act are in addition to all other powers heretofore conferred on the Authority by acts heretofore enacted by the Legislature.

Section 3. Execution and Other Details of the Bonds. The Bonds shall be signed by the president or vice-president of the Authority, and the seal of the corporation shall be affixed thereto (or a facsimile thereof imprinted thereon) and attested by its secretary. All signatures of the president, vice-president, and secretary may be facsimile signatures if the Authority, in its proceedings with respect to issuance, provides for manual authentication (which may be in the form of a certificate as to registration) of the bonds by a trustee, registrar or paying agent or by named individuals who are employees of the State and who are assigned to the Department of Finance or State Treasurer's Office. All Bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The Bonds and the income therefrom shall be exempt from all taxation in the State, may be used as security for deposits, and shall be eligible for the investment of fiduciary funds, as provided in the 1965 Act. The Bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to any registration provisions pertaining to transfers. The Authority and the Bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import. The Bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Authority under which the Bonds may be issued; provided, that no Bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those Bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on

and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. For the purpose of paying the principal of, premium, if any, and interest on the Bonds or any Refunding Bonds, the Authority shall designate such bank or banks within or without the State as it, in its discretion, determines to be appropriate and desirable. Funds for the payment of debt service shall be transferred by the Authority or the State Treasurer on behalf of the Authority to the designated paying agent bank or banks on the actual due date of such principal, premium, if any, or interest.

Section 4. Sale of the Bonds. The Bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Authority with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The Authority, in the course of establishing, by resolution, a principal amount of Bonds to be authorized for sale at any given time, or to be sold in any series, may take into account the existence of any unexpended proceeds of prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may structure the portions of the allocations provided for in Section 8 of this Act to be distributed from the proceeds of a particular series constituting less than all the Bonds authorized by this Act as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may be required of it, or that may be deemed by it to be prudent to be given by it, in connection with sale of any series of the Bonds. Bonds shall be sold by competitive bid and shall be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the Authority on the series of the Bonds being sold; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale or, in the event no bid acceptable to the Authority is received at any such sale and the Bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days prior to the date fixed for sale. The Authority may fix the terms and conditions under which the sale of any series of the Bonds may be held; provided, that the terms and conditions shall not conflict with any requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any

other department or agency shall be a prerequisite to the issuance of any of the Bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of, premium, if any, and interest on the Bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to those purposes, and hereby appropriated, the amount that may be necessary for those purposes from the following sources:

(a) The residue of the receipts from the excise tax ("the utility gross receipts tax") levied by Title 40, Chapter 21, Article 3, Code of Alabama 1975, as amended ("Article 3"), remaining after payment of the expenses of administration and enforcement of Article 3, being that portion of the tax that is required by Article 3 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(b) The residue of the receipts from the excise tax ("the utility service use") levied by Title 40, Chapter 21, Article 4, Code of Alabama 1975 ("Article 4"), remaining after payment of the expenses of administration and enforcement of Article 4, being that portion of the tax that is required by Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(c) The residue of the receipts from the license tax ("the leasing or renting tangible personal property tax") levied by Title 40, Chapter 12, Article 4, Code of Alabama 1975 ("Chapter 12, Article 4"), remaining after payment of the expenses of administration and enforcement of Chapter 12, Article 4, being that portion of the tax that is required by Chapter 12, Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(d) To the extent and to the extent only that the revenues ap-

propriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds, the residue of the receipts from the excise tax ("the sales tax") levied by Title 40, Chapter 23, Article 1, Division 1, Code of Alabama 1975, as amended ("Article 1"), remaining after there shall have been taken from the residue the amounts appropriated for other purposes in Section 40-23-35, Code of Alabama 1975 (which residue constitutes that portion of the receipts from the sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue amounts sufficient to meet all prior charges on the residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and the interest on the Bonds, the residue of the receipts from the excise tax ("the use tax") levied by Title 40, Chapter 23, Article 2, Code of Alabama 1975, as amended ("Article 2"), remaining after there shall have been taken from the residue the amount appropriated by the Legislature to meet the expenses of the State Department of Revenue (which residue constitutes that portion of the receipts from the use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue such amounts as may be necessary to meet all prior charges on the use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in subsection (d) of this Section.

All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and interest on the Bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds out of this fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the Bonds, and he or she is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely out of the Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. The Bonds shall not be general obligations of the Authority but shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All Bonds

issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Authority is hereby authorized and empowered to pledge the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for such purposes. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing the pledges. All such pledges shall be prior to any pledges that may be made for any refunding bonds hereafter issued by the Authority under the provisions of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act heretofore enacted.

Section 7. Refunding Bonds. The provisions of subsections (a) and (b) of this section shall apply to any and all advance refunding bonds, but the provisions of subsection (b) shall not be applicable to any and all current refunding bonds.

(a) For the purpose of refunding any bonds or refunding bonds of the Authority issued under the provisions of this Act, the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act previously enacted, or any combination thereof, and for the purpose of paying all premiums and expenses of the refunding (including but not limited to attorneys' fees, costs of printing the Refunding Bonds, fiscal agents' fees, and accountants' fees), the Authority is hereby authorized to sell and issue its Refunding Bonds. Such Refunding Bonds may be sold and issued from time to time, at either public or private sale, and on such other terms and conditions as the Authority shall determine to be advantageous and shall adopt and provide in its proceedings for the sale and issuance of such Refunding Bonds. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of, premium, if any, and interest on the Refunding Bonds issued under this Act, the Authority is hereby authorized to pledge irrevocably for such purpose, and there is hereby appropriated for such purpose, such amount as may be necessary of the residues of the receipts from the taxes pledged and appropriated in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, any reserves or sinking funds established by the Authority, as well as revenues of the Authority from any other sources specified in the proceedings wherein the Refunding Bonds are authorized to be issued. Pending the application of the proceeds of Refunding Bonds issued in accordance with this section, the proceeds, together with investment earnings therefrom, and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the Authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the Authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company authorized

to exercise trust powers in Alabama, for investment in permitted investments. Proceeds of Refunding Bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely from the sources specified in this Act and in the proceedings where the refunding bonds are authorized to be issued. All Refunding Bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create debts of the State of Alabama. The faith and credit of the State of Alabama shall never be pledged for the payment of any Refunding Bonds issued by the Authority under this Act. The Authority may contract with respect to the safekeeping and application of the Refunding Bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the State. All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act and (b) the provisions of Section 8 of this Act. All pledges made by this Act or by the Authority pursuant to the provisions of this Act, for the benefit of Refunding Bonds issued under this Act, and all such pledges for the benefit of refunding bonds which may be issued to refund any bonds issued under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or this Act, shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds whether issued under this Act or under any other act. Bonds refunded prior to their maturity with the proceeds of Refunding Bonds shall be defeased if the Authority, in its proceedings regarding issuance of the Refunding Bonds provides for and establishes a trust or escrow fund comprised of monies or Government Securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 5 of this Act, shall no longer be obligations of the Authority and shall be secured solely by and payable from monies and government securities deposited in such trust or escrow fund.

(b) No Refunding Bonds shall be issued unless the present value of all debt service on the Refunding Bonds (computed with a discount rate equal to the yield of the Refunding Bonds, calculated in accordance with Internal Revenue Service regulations, and taking into account all underwriting discount and other issuance expenses) shall not be greater

than 96% of the sum of the present value of all debt service on the bonds to be refunded plus any cash contribution by the Authority (computed using the same discount rate) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. The average maturity of the Refunding Bonds, as measured from the date of issuance of such Refunding Bonds, shall not exceed the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

Section 8. Use of Bond Proceeds. The proceeds levied from each sale of the Bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The expenses of issuance of the Bonds shall be prorated among the recipients listed in this Act of the proceeds from the sale of the Bonds in the proportions they receive allocations of the proceeds thereunder. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in the fund and, until they are paid out, shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Monies in the fund (whether original proceeds from the sale of the Bonds or principal proceeds of matured Permitted Investments) shall be paid out from time to time in orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act that may be deemed by the Authority to be most advantageous to the State, and such monies shall be allocated and expended by the Authority, subject to all the provisions of this Act, in the amounts set out as follows:

(a) One hundred thirty million dollars (\$130,000,000) for elementary-secondary school systems to be distributed as follows:

(1) Two hundred thousand dollars (\$200,000) shall be allocated to each city and county board of education (including the Board of the Alabama Youth Services Department School District).

(2) The remainder from the \$130,000,000, after providing for paragraph (1) of this subsection shall be allocated and distributed to city and county boards of education of those school systems that have average daily attendance (ADA) in excess of one thousand (1,000) students for the school year 1992-93; the distribution shall be made to the eligible

school systems pro rata on the basis of average daily attendance (ADA) for the school year 1992-93.

(b) Eighty million six hundred thousand dollars (\$80,600,000) shall be distributed to postsecondary and senior institutions of higher education as follows:

(1) \$14,736,397 of the proceeds shall be distributed to the Board of Trustees of Alabama State University;

(2) \$15,863,603 of the proceeds shall be distributed to the Board of Trustees of Alabama A&M University;

It is the intent of the Legislature that in the event a settlement is reached concerning facilities by all of the parties in the case of Knight v. State of Alabama or if funding for facilities in excess of the above amounts is ordered by the 11th U.S. Circuit Court of Appeals in that case, the above allocations to the boards of trustees of Alabama State University and Alabama A&M University shall be considered as being included in such settlement or in such order by the Court of Appeals.

(3) The remainder from the \$80,600,000, after providing for paragraphs (1) and (2) of this subsection shall be allocated and distributed as follows:

(a) \$17,597,430 to the Board of Trustees of the University of Alabama, of which, \$6,027,405 shall be used at the Tuscaloosa Campus, \$9,588,190 shall be used at the Birmingham Campus and \$1,981,835 shall be used at the Huntsville Campus.

(b) \$1,392,670 to the Board of Trustees of Alabama A&M University;

(c) \$1,402,450 to the Board of Trustees of Alabama State University;

(d) \$327,795 to the State Board of Education for Athens State College;

(e) \$10,317,630 to the Board of Trustees of the Auburn University System, of which, \$9,355,690 shall be used for the campus in Auburn and \$961,940 shall be used for the campus in Montgomery;

(f) \$1,454,200 to the Board of Trustees of Jacksonville State University;

(g) \$454,220 to the Board of Trustees of Livingston University;

(h) \$755,705 to the Board of Trustees of the University of Montevallo;

(i) \$1,076,660 to the Board of Trustees of the University of North Alabama;

(j) \$3,586,970 to the Board of Trustees of the University of South Alabama;

(k) \$1,512,080 to the Board of Trustees of the Troy State University System, of which, \$1,095,375 shall be used for the campus in Troy, \$196,280 shall be used for the campus in Dothan and \$220,425 shall be used for the campus in Montgomery;

(l) \$10,122,190 to the State Board of Education, to be distributed among the several postsecondary institutions based on a formula developed by the State Board of Education.

(c) \$600,000 shall be allocated to the Educational Television Commission, to be used as determined by the Commission, for the payment of the costs of capital improvements (which need not be Capital Improvements within the meaning of this Act) and/or to retire existing debt of the Commission.

(d) \$600,000 shall be allocated to the Alabama Public Library Service for capital improvements and shall be expended upon approval of the Executive Board of the Alabama Public Library Service.

(e) \$1,000,000 shall be allocated to the Department of Youth Services.

(f) \$1,800,000 shall be allocated to the Alabama Institute for the Deaf and Blind.

(g) \$1,000,000 shall be allocated to the Alabama School of Fine Arts.

(h) \$1,000,000 shall be allocated to the Alabama School of Math and Science.

(i) \$6,000,000 shall be allocated for special and critical needs, as determined by the Authority.

(j) Each building constructed wholly or in part with any portion of the proceeds of the Bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural, engineering and supervisory services shall be construed to constitute construction costs. The Authority may compensate the Technical Staff of the Building Commission, from the proceeds of the Bonds, for its services in connection with its

approval of plans and specifications pertaining to any Capital Improvements that are to be paid for, in whole or in part, from proceeds of the Bonds. The cost of such compensation shall be prorated among the recipients listed in this Act in the same manner as the expenses of issuance of the Bonds are prorated in this section.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Senator Corbett offered the following substitute for the Dial substitute for the Bill, SB 467, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR SB 467

To authorize the Alabama Public School and College Authority to sell and issue two hundred twenty-four million six hundred thousand dollars (\$224,600,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by

or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

On motion of Senator Foshee, said Corbett substitute was laid on the table.

Yeas 16 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Ellis, Foshee, Hale, Hill, Mitchell, Mitchem, Smith (J), Waggoner, and Windom -16

Nays:

Senators:

Corbett, Denton, Dixon, Floyd, Langford, Lindsey, Lipscomb, Little, Parsons, and Sanders -10

Senator Floyd offered the following amendment to the Dial substitute for the Bill, SB 467, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 467

Amend the substitute for Senate Bill 467, on page 8, after line 14, by adding the following:

"Upon the issuance of any bonds or refunding bonds, the authority must file a report, in concise and simple language, to each legislator between the first and the twelfth legislative day of the next ensuing legislative session, which shall reflect the date of the issuance of the bonds, total amount of the bonds, maturity dates, schedule of payments (including interest and principal), amount of attorney fees, architect fees and bond attorney fees, discount points and all other costs incurred in the issuance of and sale of the bonds or refunding herein authorized."

Which was adopted.

Senator Floyd then offered the following amendment No. 2, to the Dial substitute, as amended, for the Bill, SB 467, to-wit:

AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR SB 467

Amend the substitute, as amended, for SB 467 on page 20 at line 17 to add the following paragraph:

"The monies allocated above to Alabama State University and Alabama A&M University shall be conditional, the condition being that Alabama State University and Alabama A&M University shall accept said sums as full and complete satisfaction of the court's order regarding facilities at said institutions in the case of Knight and U.S., et al. v. State of Alabama, et al., CV-83-M-1676-S (ND AL, 1991)" and will dismiss all appeals with prejudice.

PETITION

At 6 o'clock P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate pursuant to Senate Rule 21, that debate on the pending measure, SB 467, shall cease at 6:30 P.M. on April 29, 1993.

J. T. WAGGONER
GEORGE R. BOLLING
GERALD DIAL
FRANK C. ELLIS, JR.
ODELL V. HILL, JR.
JIM BENNETT
WALTER OWENS
ALBERT LIPSCOMB
E. C. FOSHEE

LOWELL BARRON
BOBBY DENTON
HINTON MITCHEM
WENDELL MITCHELL
B. DON HALE
CHIP BAILEY
JIM SMITH
ANN BEDSOLE
RYAN DEGRAFFENRIED, JR.

Which was adopted.

Yeas 23 Nays 4
Abstaining 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Smith (J), and Waggoner -23

Nays:

Senators:

Corbett, Floyd, Little, and Windom - 4

Abstaining: Senator Sanders - 1

FURTHER CONSIDERATION OF SB 467

The Senate proceeded to further consideration of the Bill, SB 467.

The question was on the Floyd amendment No. 2, to the Dial substitute, as amended.

On motion of Senator Dial, said amendment was laid on the table.

Senator Bolling offered the following amendment to the Dial substitute, as amended, for the Bill, SB 467, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED
FOR SB 467**

On page 21, line 13, add the following language:

"\$1,500,000 of the amount allocated herein for Auburn University shall be expended for the repair and replacement of any of the following: the State Chemical Laboratory, the State Pesticide Residue Laboratory, the State Food and Drug Laboratory, and the Alabama Diagnostic Laboratories at the Veterinary School and the Pesticide Residue Lab at the Veterinary School at Auburn University;"

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 26 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

Senators:

Amari, Corbett, and Little - 3

And said Bill, SB 467, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -27

Nays:

Senators:

Amari, Corbett, and Little - 3

BILL RECONSIDERED

On motion of Senator Foshee, the Senate reconsidered the vote by which the Bill, SB 167, was passed.

On motion of Senator Foshee, the Senate reconsidered the vote by which the Bill, SB 167, was ordered to its third reading.

Senator Foshee then offered the following amendment to the Bill, SB 167, to-wit:

AMENDMENT TO SB 167

Amend Senate Bill 167 on page 2, lines 22 through 32 and on page 3, lines 1 through 12 by deleting Section 4 in its entirety and inserting in lieu thereof a new Section 4 to read as follows:

"Section 4. Except as provided herein, the program implemented pursuant to this Act is not governed by or subject to the provisions of Act 92-537, or its successor, otherwise known as the Alabama Workers' Compensation Law or any similar law. Payments made to physicians licensed to practice medicine for services to injured employees shall be in accordance with the schedule of maximum fees as established under Section 25-5-313, or as otherwise permitted under Section 25-5-314. All undisputed medical reimbursements or payments shall be made within twenty-five (25) working days of receipt of claims in the form specified in Section 25-5-3. There shall be added to any undisputed medical invoice which is not paid within twenty-five (25) working days an amount equal to ten (10) percent of the unpaid balance. Any regulation, policy, or program directive for the conduct of utilization review, bill screenings, and medical necessity determinations related to services provided by physicians licensed to practice medicine shall comply with the regulations promulgated by the Workers' Compensation Medical Services Board under the provisions of Section 25-5-312(1). All rules, regulations, or guidelines promulgated by the director of finance with respect to the establishment and operation of the program contemplated by this Act shall not be subject to the Administrative Procedures Act."

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -28

Nays:

- 0

And said Bill, SB 167, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -28

Nays:

- 0

BILL RECONSIDERED

On motion of Senator Foshee, the Senate reconsidered the vote by which the Bill, HB 257, was passed.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, HB 257, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Escott-Russell requested and received permission to suspend the Rules in order to bring up the Bill, SB 668.

Senator Escott-Russell, B.I.R., SB 668, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 668. To amend Section 36-27-6, Code of Alabama 1975, as amended by Act No. 191, S. 346, 1993 Regular Session, to provide further for the transfer of funds from local pension funds to the state system when certain employees of state or county agencies and de-

partments become members of the Employees' Retirement System of Alabama.

was taken up.

Senator Escott-Russell offered the following amendment to the Bill, SB 668, to-wit:

AMENDMENT TO SB 668

Amend Senate Bill 668 by restoring the words struck in lines 17 through 26 on page 10, and by striking all words in lines 27-31 on page 10 and all words in lines 1-4 on page 11, and insert in lieu of the words struck the following:

"Such computation shall be adjusted, so that the local system is not left in an actuarially underfunded condition according to the last actuarial report of the local system. In the event some employees or retirees elect to remain in the local system, the amount transferred shall be appropriately adjusted prior to transfer of assets to the state Employees' Retirement System."

Further amend said SB 668 by striking the words "county health department" on Page 11 line 7 and insert in lieu thereof the words "county board, department, or agency"

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -28

Nays:

- 0

And said Bill, SB 668, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -28

Nays:

- 0

BILL RECONSIDERED

Senator Dixon moved that the Senate reconsider the vote by which the Bill, SB 467, was passed.

Senator Owens moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 13 Nays 15

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Dial, Ellis, Foshee, Hale, Hill, Mitchell, Mitchem, Owens, Waggoner, and Windom -13

Nays:

Senators:

Bennett, Corbett, Dixon, Escott-Russell, Floyd, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (J), and Wilson -15

And said motion to reconsider was then adopted.

On motion of Senator Dixon, the Senate reconsidered the vote by which the Bill, SB 467, was ordered to its third reading.

Senator Corbett offered the following amendment to the Bill, SB 467, to-wit:

AMENDMENT TO SB 467

Amend Senate Bill No. 467 Page 22 Line 20, as follows:

After the period (.) Insert the following sentence:

"Except, however, \$1,000,000 of which shall be allocated to Tuskegee University for Capital Outlay."

Which was adopted.

Yeas 16 Nays 14

Yeas:

Senators:

Campbell, Corbett, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (J), and Wilson -16

Nays:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Hale, Hill, Mitchell, Mitchem, Owens, Waggoner, and Windom -14

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And said Bill, SB 467, as thus amended, was again read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 29 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nay: Senator Amari

- 1

COMMITTEE REPORT

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the Bill, SB 558, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

REPORTS OF COMMITTEES RESUMED

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Letson (With Notice and Proof):

H. 912. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas west of and contiguous to existing corporate limits to be included within the Town.

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Clark (W), Newton (D), Bryant, Black (L), Clay, Melton, Knight (J), Holmes, Thomas, Gullatt, Rogers (F), Millican, Morrow, Hall, Anderson, Barnes, Escott-Russell, Cagle, Zoghby, and Hogan:

H. 684. To provide for the reapportionment of the House of Representatives of the Alabama legislature based upon the 1990 census.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor with the date and hour of delivery, to-wit:

SB 280

Delivered to the Governor, April 29, 1993, at 10:40 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:35 P.M., on motion of Senator Owens, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, May 4, 1993, at 1 o'clock P.M.

TWENTY-SEVENTH LEGISLATIVE DAY

TUESDAY, MAY 4, 1993

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator George Bolling, Sixth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Laura Pappas, St. James School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, May 5, 1993, at 11 o'clock A.M., which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 238. To amend Sections 22-28-2 and 22-28-12, Code of Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Alabama in compliance with the federal Clean Air Act Amendments of 1990.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 167. To authorize the director of finance to establish by October 1, 1993, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 668. To amend Section 36-27-6, Code of Alabama 1975, as amended by Act No. 191, S. 346, 1993 Regular Session, to provide further for the transfer of funds from local pension funds to the state system when certain employees of state or county agencies and departments become members of the Employees' Retirement System of Alabama.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 467. To authorize the Alabama Public School and College Authority to sell and issue two hundred twenty-two million six hundred thousand dollars (\$222,600,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on

orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 520

The Senate proceeded to further consideration of the Bill:

S. 520. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1994 and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, which said amendment is set out in the Journal of the Senate, and having been postponed on the Twenty-Sixth Legislative Day, was taken up.

And said Bill, SB 520, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

On motion of Senator Horn, the provisions of Rule 35 (b) were suspended to allow transmittal to the House of the Bill, SB 520.

RESOLUTION

Senator Langford offered the following Senate Joint Resolution, to-wit:

SJR 130. RECOGNIZING HENRY HOLBERT ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Henry Holbert, a native of Forest, Mississippi, and a veteran of the United States Armed Forces, participated in high school

athletics and at Tennessee A & I State College in Nashville where he received a degree in health and physical education in 1948; and

WHEREAS, over a long and illustrious career spanning some 44 years, Mr. Holbert taught and coached at Grenada High School in Grenada, Mississippi, at Prentiss Institute in Prentiss, Mississippi, where he also served as head of the physical education department, and at J. E. Johnson High School, also in Prentiss; and

WHEREAS, Mr. Holbert became head football coach and physical education teacher at Druid High School in Tuscaloosa, Alabama, in 1960, and two years later, joined the Tuskegee Institute coaching staff as an assistant football coach and head baseball coach; in 1963, he accepted a teaching and coaching position at Alabama State College in Montgomery where he became head football coach in 1971, a position he held until 1973, when he returned to Tuskegee Institute, where he remained as assistant professor in the physical education department, and as assistant football coach and head tennis coach until his retirement in December 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of his many outstanding contributions, we hereby most highly commend Henry Holbert, for whom a copy of this resolution shall be presented at the gala dinner celebration to be given in his honor on May 14, 1993.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Jack Neal from Brewton, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Jacksonville State University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 29th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. James

Thornton, Sr., from Huntsville, Alabama to serve as a member of the Jacksonville State University Board of Trustees. He will be a representative of the 8th District, and his term will expire on December 28, 2003.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 29th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Jacksonville State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Raymond Bailey from Birmingham, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jerry Newby from Athens, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Fuller Kimbrell from Tuscaloosa, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Carla Thomas from Eclectic, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Frances Grif-

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fin from Eufuala, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Agriculture and Industries Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Fred Denman from Samson, Alabama to serve as a member of the Agriculture and Industries Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Agriculture and Industries Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Nasief Joe Rookis from Birmingham, Alabama to serve as a member of the Alcoholic Beverage Control Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mayor Richard Arrington from Birmingham, Alabama to serve as a member of the Alabama State University Board of Trustees.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. Wesley Barry from Montgomery, Alabama to serve as a member of the Alcoholic Beverage Control Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Joe Broad-

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1783

water from Huntsville, Alabama to serve as Chairman of the Alcoholic Beverage Control Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of Chairman of the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ira Drayton Pruitt from Livingston, Alabama to serve as a member of the Livingston University Board of Trustees. He will be a representative of the 7th District.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Dwight Duke from Scottsboro, Alabama to serve as a member of the Livingston University Board of Trustees. He will be a representative of the 5th District.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Terry J. Bunn from Cottondale, Alabama to serve as a member of the Livingston University Board of Trustees. He will be a representative of the 7th District.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 4th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Frank E. McGough, Jr. from Montgomery, Alabama to serve as an At Large member of the Livingston University Board of Trustees.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 4th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 251. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Also:

H. 252. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 256. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 262. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 519. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing

assistance programs and to increase the amount of funds available under the plan; to create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 508. To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

Also:

H. 516. Providing that oxygen or durable medical equipment ultimately provided to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes and that a provider of oxygen or durable medical equipment which is rented or leased to a recipient of Medicare or Medicaid benefits shall be exempt from rental and leasing taxes on the gross receipts of the transaction.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 519. Relating to the George Wallace, Jr., Plan for Linked

Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan; to create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 170. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 170

The Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 170 have met, considered the matter, and agreed to the following:

RONALD G. JOHNSON,
RICHARD J. LAIRD,
CLARENCE E. HAYNES,

Conferees on the Part of the House.

GERALD DIAL,
WALTER OWENS,

Conferees on the Part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 170

A BILL
TO BE ENTITLED
AN ACT

Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-21-263 of the Code of Alabama 1975, is amended to read as follows:

"§22-21-263.

"(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, 'new institutional health services' shall include any of the following:

"(1) The construction, development, acquisition through lease or purchase, or other establishment of a new health care facility or health maintenance organization; ~~or.~~

"(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of five hundred thousand dollars (\$500,000.00) for major medical equipment; in excess of five hundred thousand dollars (\$500,000.00) for new annual operating costs; in excess of one million five hundred thousand dollars (\$1,500,000.00) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization; ~~or.~~

"(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition of new beds, the relocation of one or more beds from one physical facility to another, or reallocation among services existing beds through the conversion of one or more beds from one category to another within the following bed categories: general medical surgical, inpatient psychiatric, inpatient/residential alcohol and drug abuse or inpatient rehabilitation beds, or long-term care beds including skilled nursing care, intermediate care, transitional care, and swing beds; ~~or.~~

"(4) Health services proposed to be offered in or through a health

care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered. Health services, other than those health services involving long-term care services, including without limitation, skilled and intermediate nursing home care, swing beds services, or transitional care services, provided directly by acute care hospitals classified as rural by the U.S. Bureau of Census/Office of Management and Budget, United States Government Health Care Financing Administration or acute care hospitals with less than 105 beds that are located over 20 miles from the nearest acute health care facility located within Alabama shall not be subject to this subdivision (4) but shall be subject to the other subdivisions of this subsection. Provided, however, that the exemption from subdivision (4) herein established shall not apply to home health services provided outside of the county in which the hospital is located.

"(b) The four conditions of 'new institutional health services' listed in this section shall be mutually exclusive.

"(c) Notwithstanding all other provisions of this article to the contrary, those facilities and distinct units operated by the department of mental health and mental retardation and those facilities and distinct units operating under contract or subcontract with the department of mental health and mental retardation where the contract constitutes the primary source of income to the facility shall not be subject to review under this article."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 170, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 170, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Senator Dial moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 170, the title of which and said Conference Report are set out in the foregoing Message from the House.

COMMUNICATION FROM THE SUPREME COURT

OCTOBER TERM, 1992-93

OPINION OF THE JUSTICES

No. 339

Members of the Senate
Alabama State House
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution 110, "Requesting an Advisory Opinion of the Justices of the Supreme Court Relative to Senate Bill 524 and Senate Bill 525." This resolution reads:

"BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and the Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following important constitutional question which has arisen concerning the pending bills, Senate Bill 524 and Senate Bill 525, copies of which are attached to this resolution and made a part hereof by reference:

"(1) Senate Bill 524 permits active members of the Employees' Retirement System who are employees of the Alabama State Docks, including those persons paid from the 'L-Payroll,' to purchase credit with the Employees' Retirement System for prior service with the state docks for which the member has been credited with another pension plan. To receive this benefit, the member must waive all benefits attributed to the years purchased that he or she may have qualified for under any other existing plan.

"(2) Senate Bill 525 provides that all employees of the Alabama State Docks at Mobile would be merit system employees except those employees of the Terminal Railroad at the state docks who are subject to the Federal Railway Labor Act and the Railroad Retirement Act. This bill would include certain employees currently subject to a collective bargaining agreement or on a specified special payroll. This bill expressly prohibits any collective or negotiated bargaining of benefits by any employee covered under the state merit system. This bill would allow the purchase of credit in the Employees' Retirement System for prior service with the state docks that an employee has received credit for in another pension plan if the employee agrees to waive all of the benefits attributed to those years which he or she may have qualified for under the other plan. This bill requires that certain state officials

expedite its implementation and exempts certain procedures of these officials from the Administrative Procedure Act.

"Are Senate Bill 524 and Senate Bill 525 unconstitutional pursuant to the United States Constitution, Article 6, Clause 2, because the Railway Labor Act, 45 U.S.C. 151 et seq. (1988), has preempted the State of Alabama from legislating new conditions of employment for employees of the Alabama State docks who are subject to a collective or negotiated bargaining agreement?"

Alabama Code 1975, § 12-2-10, provides that the Governor or either house of the legislature may obtain an opinion of the Justices "on important constitutional questions." The answer to your question would depend upon a construction of 45 U.S.C. § 151 et seq., the Railway Labor Act. The Justices have consistently declined to answer questions relating to matters of statutory construction rather than to constitutional interpretation. Opinion of the Justices No. 308, 449 So. 2d 239 (Ala. 1984); Opinion of the Justices No. 212, 291 Ala. 581, 285 So. 2d 87 (1973); Opinion of the Justices No. 180, 276 Ala. 239, 160 So. 2d 648 (1964); Opinion of the Justices No. 124, 256 Ala. 158, 53 So. 2d 739 (1951); Opinion of the Justices No. 122, 255 Ala. 656, 53 So. 2d 367 (1951); Opinion of the Justices No. 109, 253 Ala. 111, 43 So. 2d 3 (1949); Opinion of the Justices No. 84, 249 Ala. 525, 32 So. 2d 303 (1947).

Although your question asks whether the pending bills violate the Supremacy Clause, Art. VI, cl. 2, of the United States Constitution, you ask only if the bills would violate that clause if they conflict with the Railway Labor Act. Thus, the answer would depend on a construction of that Act.

Moreover, the application of the Railway Labor Act to the employees affected by Senate Bills 524 and 525 would involve detailed factual questions as to which we have no information. The Justices have declined to answer hypothetical questions or questions as to which necessary information is lacking. Opinion of the Justices No. 280, 417 So. 2d 936 (Ala. 1981); Opinion of the Justices No. 208, 288 Ala. 89, 257 So. 2d 336 (1972); Opinion of the Justices No. 162, 267 Ala. 110, 100 So. 2d 565 (1959); Opinion of the Justices No. 114, 254 Ala. 177, 47 So. 2d 655 (1950); Opinion of the Justices No. 108, 252 Ala. 583, 42 So. 2d 348 (1949); Opinion of the Justices No. 102, 252 Ala. 527, 41 So. 2d 775 (1949); Opinion of the Justices No. 63, 244 Ala. 384, 13 So. 2d 762 (1943). However, we do note that Senate Bill 525 excepts from its operation all employees of the Terminal Railroad who are subject to the Railway Labor Act; it is not apparent that any other employees affected by either of these bills would be subject to that Act. Furthermore, the Act applies to employees of railway carriers, and it is not apparent how any state employees would fit within its provisions.

These uncertainties illustrate the rationale behind the long-standing practice of declining to answer hypothetical or insufficiently predicated questions.

For the foregoing reasons, we must respectfully decline to answer your question.

Respectfully submitted,

SONNY HORNSBY,
CHIEF JUSTICE,

HUGH MADDOX,
RENEAU P. ALMON,
JANIE L. SHORES,
OSCAR W. ADAMS, JR.,
GORHAM HOUSTON, JR.,
HENRY B. STEAGALL II,
MARK KENNEDY,
KENNETH F. INGRAM,
JUSTICES.

OPINION RENDERED

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 110, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson and Haynes:

H. 662. To amend Sections 32-6-4, 32-6-5, and 32-6-8 of the Code of Alabama 1975, to provide for an additional fee for issuance of a driver's license and a learner's permit and to provide that the increased fee shall be deposited into the Public Safety Law Enforcement Fund and appropriated to the Department of Public Safety, from year to year for the purposes of this act; and to provide for the effective date of this act the first day of the second month following its enactment.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 662 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Newton (C):

H. 195. Relating to the further regulation of liquefied petroleum gas and the powers, duties, and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-104, 9-17-109, and 9-17-110, Code of Alabama 1975, as amended, so as to provide for notification of work on liquefied petroleum gas systems; to provide for a research and education committee; to provide for a special Liquefied Petroleum Gas Research and Education Fund in the State Treasury for research and education purposes; and to provide an appropriation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 195 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P):

H. 448. To amend Section 36-7-21, Code of Alabama 1975,

relating to persons traveling outside the state on state business, to remove persons traveling out-of-state on behalf of a state postsecondary education institution from the requirement of authorization by the Governor.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 448 - to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Powell:

H. 312. To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-12, 22-25-14, and 22-25-15, Code of Alabama 1975, relating to the regulation of water and wastewater systems and treatment plants; to permit the Department of Environmental Management to also regulate public wastewater collection systems; to provide for operator certification; and to relieve the appropriate district attorney of certain enforcement duties.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 312 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

H. 966. Relating to Baldwin County; to provide an additional expense allowance for the coroner of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 967. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 967, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 966 and 967 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Fuller and Laird:

H. 963. To propose an amendment to the Constitution of Ala-

bama of 1901, relating to and authorizing and directing the levy and collection, by the governing body of Chambers County, of an additional special county-wide ad valorem or property tax exclusively for public library purposes in said County, effectively subject to the approval of the electorate of said County, providing for the rate and duration of such tax, providing for one or more elections within said County, under certain circumstances, to approve the rate and duration of such tax, providing for the use and expenditure of the proceeds from such tax, providing that the provisions of such proposed amendment are and shall be self-executing, and providing that the provisions of Amendment No. 425 to the Constitution (providing an alternative method for submission of certain proposed constitutional amendments) are inapplicable to such proposed amendment; to fix a date for an election upon such proposed amendment; and to provide for publication of notice thereof prior to such election.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 963 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Anderson:

H. 932. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the City of Decatur, Alabama, to elect municipal judges.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 932 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 956. Providing for a board of education for the City of Dothan, to be elected by the qualified electors of the city; providing that six members of the board shall be elected from defined school districts; providing that the chair shall be elected from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Dothan.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 956, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 956 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 970. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire fighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 970 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne (With Notice and Proof):

H. 455. Relating to the City of Trussville in Jefferson County; authorizing the City of Trussville as a municipal corporation to establish, purchase, construct, maintain, and operate a cable television system and to furnish cable television service to the residents of the city and surrounding territory; prescribing the corporate powers of the municipality in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with the system; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting municipal corporations

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1801

transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 455, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Carothers and Beasley (With Notice and Proof):

H. 920. Relating to Houston County, to provide for the work and temporary release or pre-trial release, at the Court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide punishment for escape; to provide for the Houston County Work Release and Pretrial Release Fund and for the disposition of prisoner earnings, including support and maintenance cost to the county; to set standards for judicial officers in the county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposits to insure the attendance of the defendant; to create the Houston County Work Release and Pre-Trial Release Commission; to provide for the membership of the commission and for its powers and duties; to authorize Houston County and the Houston County Commission, in its discretion, to provide funding for or in-kind services to the Houston County Work Release and Pre-Trial Release Commission; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Carothers and Beasley (With Notice and Proof):

H. 921. Relating to Houston County, requiring the mailing address of the grantee of deeds to real property to be included on all deeds prior to recording them in the office of the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 921, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing
Message from the House, were severally read one time and referred to
appropriate Standing Committees, as follows:

HB 455 - to the Committee on Local Legislation No. 2

HB's 920 and 921 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills
and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers and Beasley (With Notice and Proof):

H. 922. Relating to Houston County; providing for a county
salary supplement to be paid monthly to each court reporter of the
Twentieth Judicial Circuit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 922, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 969. Relating to Blount County; to provide for the formation
of fire and emergency medical services districts; to provide for the
powers, duties, and authority of the district; to provide for annual dues;
to provide for a board of trustees; and to provide for referendum elec-
tions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 969, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

H. 971. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 971, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 922, 969, and 971 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

H. 965. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; and providing for classes of employment.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 965, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 965 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers and Beasley (With Notice and Proof):

H. 923. Relating to Houston County; amending Section 4 of Act No. 84-578, H. 734, 1984 Regular Session, which establishes a county civil service system, to alter the appointing authority of the members of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Blakeney (With Notice and Proof):

H. 937. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Demopolis in Marengo County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 937, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

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Also:

By Rep. Willis (With Notice and Proof):

H. 955. Relating to the City of Jacksonville in Calhoun County; providing for a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 923, 937, and 955 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (C) and Powell (With Notice and Proof):

H. 958. Relating to Chilton County; providing for a transaction fee on computer generated county business conducted and transacted in the offices of the tax assessor, tax collector, and judge of probate; and providing for disposition of the funds from the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 958, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Smith (C) and Powell (With Notice and Proof):

H. 959. Relating to Chilton County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 959, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 961. Relating to Chambers County; providing for additional costs and charges in all circuit and district court cases, excluding the small claims division; providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county; and providing for the distribution of the funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 961, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 962. Relating to Chambers County; authorizing the county commission to levy an additional one-half cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 962, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 964. Relating to Fayette County; providing for a special parcel fee on public business filed and transacted in the Office of the Revenue Commissioner; providing for the collection and distribution of the funds from the fee; authorizing the county commission to increase the fee in addition to all existing recording fees and charges; providing for limited exemptions; providing for an issuance, application, or license transfer fee; providing for the increase in court costs for the service of all papers or documents by the sheriff or any deputy sheriff in criminal and civil cases filed in court in the county; and providing for the collection and distribution of the additional court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 964, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 958, 959, 961, 962, and 964 - to the Committee on Local Legislation No. 1

REPORTS OF COMMITTEES

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 672. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banking, to provide further for the qualifications for holding the office of Superintendent of Banking and for the expiration of the term of office; and to provide that this act shall be effective retroactively from November 1, 1990.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Millican, White, McMillan, Penry, Harvey, Anderson, Holmes, Holley, Richardson, Bowling, Williams, Harper, Turnham, Fuller, Hill, Biddle, Beasley, Flowers, Hooper, Kennedy, Freeman, Parker (P), Drake, Newton (D), McDaniel, Smith (C), Ford, Carter, Butler, Turner, Buskey, Thomas, Starkey, Hall, Dolbare, Poole, Hogan, Willis, Blakeney, Gaston, Lindsey, Kvalheim, Gullatt, Hamilton, Campbell, Carothers, Black (L), Crow, Walker, Hawkins, Clay, Clark (W), Layson, Parker (T), Box, Burke, Sanderford, Cullins, and Cagle:

H. 563. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by a state college or university, including two-year colleges, and to provide for the disposition pursuant to an agreement between the division of property and colleges or universities by free and open competitive public auction or sealed bids.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 676. To provide for the regulation and licensure of marriage and family therapists; to provide for the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Mathis:

H. 765. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Notice and Proof)(With Amendment):

S. 673. Relating to Coffee County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 674. To create a new district judgeship for Cullman County.

By Rep. Clay (With Notice and Proof):

H. 583. Relating to Macon County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

By Rep. Mathis:

H. 633. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Dothan City Board of Education.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Cagle and Hogan (With Notice and Proof):

H. 873. Relating to the City of Carbon Hill in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Carbon Hill Police Officers covered by the Minimum Standards Act; and to provide for implementation of this act.

By Rep. Gullatt (With Notice and Proof):

H. 927. Relating to Russell County; providing for the Russell

County Commission to establish a special reserve fund for the Russell County Motor Vehicle License Commissioner for the payment of losses incurred from certain worthless checks and other instruments; providing for reimbursement of the reserve fund; providing for documentation, maintenance, and accounting of the reserve account; and requiring that the commissioner insure his or her employees exercise due care and attempt to collect all funds due.

By Rep. Letson (With Notice and Proof):

H. 935. Relating to Lawrence County; establishing a recreation and drug abuse program; providing for funding of the program from money donated by Champion International; and providing for distribution of the funds by a board composed of the Circuit Judge, Sheriff, and the County Superintendent of Education.

By Rep. Letson (With Notice and Proof):

H. 947. Establishing the powers and authority and requirements of district attorney's investigators of the thirty-sixth judicial circuit of Alabama.

By Reps. McMillan and Penry (With Notice and Proof):

H. 950. To amend Section 5 of Act No. 91-719, H. 1096, 1991 Regular Session (Acts 1991, p. 1389), providing a planning and zoning commission for the unincorporated areas of Baldwin County, to further provide the procedure for adoption of ordinances and regulations.

By Reps. McMillan and Penry (With Notice and Proof):

H. 954. Relating to Baldwin County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle (With Notice and Proof):

H. 372. Relating to the Tenth Judicial Circuit in Jefferson

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County, amending Act No. 90-542, Regular Session, so as to increase the number of Deputy District Attorneys in said circuit.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Morrow:

H. 512. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 675. Relating to the Employees' Retirement System; allowing a vested member of any component system or fund of the retirement system to purchase up to a certain amount of certain prior service credit and providing for payment for the prior service credit.

By Reps. Rogers (J), McDowell, McClain, and Barnes:

H. 81. To appropriate \$100,000 from the Special Educational Trust Fund in the State Treasury to the Minority Business Training Development Program at UAB for the 1993-94 fiscal year.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1994, and to require an audited financial statement and operations plan prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 225. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 226. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery and the Exploreum Museum of Discovery - Omnimax Project for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 228. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 229. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 230. To make an appropriation from the Alabama Special

Educational Trust Fund to the Kate Duncan Smith DAR School, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 231. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 235. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 236. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 239. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Alabama

Incorporated - for Etowah County, and the United Cerebral Palsy of Mobile for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 241. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 242. To make an appropriation from the Alabama Special Educational Trust Fund to the Beville Centers in Gadsden, Eufaula, Brewton, and Muscle Shoals, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 243. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 247. To make an appropriation from the Alabama Special

Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 250. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 253. To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 258. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA, the Fourth Avenue YMCA and the Boys and Girls Club of Central Alabama, Inc. - Hueytown Unit for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 259. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1994, and to require a further distribution to Educational Resources, Inc. and an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 261. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September

30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 264. To make an appropriation from the Alabama Special Educational Trust Fund in memory of Representative John L. Buskey to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1994 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

By Rep. Harper:

H. 265. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 266. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 267. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 269. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 270. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 271. To make an appropriation for the support and maintenance

nance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 272. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1994.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendments):

H. 273. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 274. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1994, for educational purposes.

By Rep. Harper:

H. 275. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1994.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 276. To make an appropriation to the Department of Public

Health for the fiscal year ending September 30, 1994, for educational purposes.

By Rep. Harper (With Substitute):

H. 277. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1994.

By Rep. Harper (With Substitute):

H. 296. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Theatre, Alabama Landmarks, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner:

H. 318. To amend Section 32-5A-195 to provide that court hearings be held in circuit court.

By Rep. Haynes:

H. 567. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, to extend the time within which such a purchase may be made.

By Rep. Harper:

H. 576. To amend Section 41-9-553, Code of Alabama 1975, to increase the appropriation limitation to the Alabama Women's Hall of Fame Board.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kennedy (With Amendment):

H. 731. To reopen the Teachers' Retirement System of Alabama

to allow active and contributing members of the system to purchase prior service credit for employment as an official court reporter with a circuit court in the state; provide for payment for the credit; to provide for a termination; to provide that certain active members of the Teachers' Retirement System may receive credit for certain prior service under specified terms and conditions; to provide that the employer for whom the service was rendered shall pay the cost for the prior service credit; and to provide for the calculation of the cost.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute)(With Amendments):

H. 222. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Parker (T), Ford, Hooper, Bryant, Lindsey, Turnham, Kvalheim, Mikell, Grayson, Willis, Rogers (J), Blakeney, Layson, Richardson, Black (M), Box, Sanderford, Powell, McDaniel, Sanderson, Bowling, Gullatt, Rockhold, Hall, Hogan, Freeman, Parker (P), Knight (A), Hill, Gaines, Petelos, Rich, Hamilton, Smith (R), and Haney:

H. 480. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Substitute):

S. 294. To authorize the establishment of catastrophic sick leave programs by various boards of education on a voluntary basis; to permit employees to donate days; and to provide for uniform rules.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable (With Notice and Proof):

H. 667. Relating to the City of Tallassee; amending Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, providing for the election of the city board of education, to specify that members of the board shall serve without compensation.

COMMITTEE REPORT

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the Bills, HB's 715, 840, and 879, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

REPORTS OF COMMITTEES RESUMED

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof):

H. 900. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 371. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1994. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 523. To amend Section 36-27-49.3 of the Code of Alabama 1975, to provide for purchase of military service credit in the employees' and teachers' retirement systems.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Beasley, Johnson, and Mathis:

H. 346. To amend Section 25-4-10, Code of Alabama 1975, which defines the term "employment" for unemployment compensation purposes, to clarify the language exempting service in the employ of religious organizations.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kvalheim, Zoghby, Harper, Buskey, and Clark (W) (With Notice and Proof):

H. 914. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not

waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Amendment):

S. 638. To provide further for the political parties listed on ballots and to repeal Section 17-8-2.1, Code of Alabama 1975.

RESOLUTION

Senator Lindsey offered the following Senate Joint Resolution, to-wit:

SJR 131. MOURNING THE DEATH OF JEAN SPENCER HINDS OF MONTGOMERY, ALABAMA.

WHEREAS, it is with profound sorrow that the Legislature of Alabama records the lamentable death of Jean Spencer Hinds of Montgomery, Alabama, on May 1, 1993, at the age of 68 years; and

WHEREAS, a native and lifelong resident of Montgomery and an alumna of Randolph-Macon Woman's College, Jean Hinds was an active member, and served as organist for many years, at the Church of the Ascension; and

WHEREAS, she also was a former legislative employee who retired on January 1, 1990, following a dedicated tenure with the Alabama Senate that spanned more than 35 years; and

WHEREAS, many of our current members and the Senate staff remember Jean with great affection and regard, and were always grateful for her on-going contributions to the Senate process, for the quality of her work, and for her loyalty and commitment over the years; and

WHEREAS, the widow of Herbert Hinds, Jr., Jean is survived by a daughter, Jeanie McLain; sons Bob, Bill and Tom Hinds; and by her ten grandchildren, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Jean Spencer Hinds of Montgomery, Alabama, and direct that copies of this resolution be provided for her family, whose sorrow we deeply and sincerely share.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 2 o'clock P.M., on motion of Senator Dial, pursuant to the provisions of the Resolution, HJR 27, the Senate took a recess subject to the call of the Chair to hear the message of Coach Gene Stallings, Head Coach of the University of Alabama.

At 2:35 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF HB 170

The Senate proceeded to further consideration of the Bill, HB 170. The question was on the Dial motion that the Senate concur in and adopt the Report of the Committee on Conference.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 520. To make an appropriation from the State General Fund to the Epilepsy Foundation of Alabama for the fiscal year ending September 30, 1994 and to require an operations plan and an audited financial statement prior to release of any funds.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 25. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pickensville in Pickens County.

Also:

S. 519. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Also:

S. 529. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 170

The Senate proceeded to further consideration of the Bill, HB 170. The question was on the Dial motion that the Senate concur in and adopt the Report of the Committee on Conference, which motion was adopted.

Yeas 24 Nays 2
Abstaining 2

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Owens, Smith (J), Waggoner, and Wilson -24

Nays:

Senators:

Amari and Bailey - 2

Abstaining:

Senators:

Sanders and Windom - 2

BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, HB 839.

Senator Sanders, B.I.R., HB 839, adopted.

Yeas 25 Nays 1

**REGULAR SESSION
27th Day**

1825

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, and Waggoner -25

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 839. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nay: Senator Amari

- 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Bill:

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

and has requested that the present Conference Committee be discharged and a new Conference Committee appointed.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Box, Beasley, and Mikell.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Senate acceded to the request of the House that the present Conference Committee be discharged and a new Conference Committee appointed on the disagreement of the two Houses on the Bill, HB 219, the title of which is set out in the foregoing Message from the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Bolling, Barron, and Corbett.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Drake:

H. 128. Relating to the Employees' Retirement System; allowing a vested member of any component system or fund of the retirement system to purchase up to a certain amount of certain prior service credit and providing for payment for the prior service credit.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 128 - to the Committee on Finance and Taxation

FURTHER CONSIDERATION OF HB 845

The Senate proceeded to further consideration of the Bill:

H. 845. Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

having been postponed on the Twenty-Sixth Legislative Day, was taken up.

The Standing Committee on Rules reported the following amendment to the Bill, HB 845, to-wit:

AMENDMENT TO HB 845

Amend House Bill 845 by deleting all of subparagraph (b) which starts at line 26 on page 8, and substituting in lieu thereof the following:

"(b) Beginning January 1, 1993, and all years thereafter, each insurer shall pay its premium taxes on a quarterly basis, as follows: on or before May 15, a payment estimated on the basis of 25% of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in the state from January 1 through March 31 of the same calendar year; on or before August 15, a payment estimated on the basis of 45% of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of 180% of its actual business done in

this state from April 1 through June 30 of the same calendar year; on or before November 15, a payment estimated on the basis of 5% of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of 20% of its actual business done in this state from July 1 through September 30 of the same calendar year; on or before March 1, a payment in the amount of the remainder of the actual premium taxes due on its business done in the state during the preceding calendar year computed at the applicable rate specified in subsection (a) of this Section 3. On or before March 1 each year, every authorized insurer shall file with the commissioner a statement, on a form as furnished or approved by the commissioner, setting forth the total amount of premiums received by it for business done in this state during the preceding calendar year. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this subsection (b) that any taxes paid on an estimated quarterly basis during the calendar year shall be reconciled to actual premiums received on risks in that state for such calendar year on the March 1 payment date in the succeeding calendar year."

On motion of Senator Lindsey, said amendment was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 561. Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

Also:

S. 564. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Also:

S. 592. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Also:

S. 598. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Also:

S. 621. Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 845

The Senate proceeded to further consideration of the Bill, HB 845.

Senator Lindsey offered the following substitute for the Bill, HB 845, to-wit:

SUBSTITUTE FOR HB 845

A BILL TO BE ENTITLED AN ACT

Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to alter the payment schedule for premium taxes, beginning with the current fiscal year; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "The Insurance Premium Tax Reform Act of 1993."

Section 2. For the purposes of this act only, the following terms, unless the context clearly indicates otherwise, shall have the meanings:

(1) ANNUITY CONSIDERATIONS. All sums received as consideration for annuity contracts.

(2) COMMISSIONER. The Commissioner of Insurance of the State of Alabama.

(3) DEPARTMENT. The Department of Insurance of the State of Alabama.

(4) DOMESTIC INSURER. Any insurer organized under the laws of the State of Alabama which maintains its principal office and chief place of business in the State of Alabama.

(5) FOREIGN INSURER. Any insurer organized under the laws of any country or of any state of the United States other than the State of Alabama and any insurer organized under the laws of Alabama which maintains its principal office or chief place of business outside the State of Alabama.

(6) INSURER. Every insurer as defined in Section 27-1-2, and every other insurance company or association charging a premium for contracts entered into by those companies, associations, or societies, which shall include every non-profit corporation organized pursuant to Sections 10-4-100 to 10-4-115, inclusive, Code of Alabama 1975, every mutual aid association including those organized pursuant to Chapter 30, Title 27, and every health maintenance organization including those organized pursuant to Chapter 21A, Title 27, Code of Alabama 1975. Notwithstanding the foregoing, societies exempt pursuant to Section 27-34-42, Code of Alabama 1975, and self-insurance programs utilizing a trust fund or similar entity providing workers' compensation, health, and other insurance-like coverage shall not be included within this definition of insurer.

(7) PREMIUMS. All amounts received in cash or otherwise on risks in this state as consideration for contracts of insurance, less all of the following:

a. Insurance premiums returned.

b. Reinsurance premiums from insurance companies authorized to do business in Alabama and subject to the premium tax provided for in Chapter 4 of Title 27 of the Code of Alabama 1975.

c. Dividends paid, applied, or left with the company to accumulate at interest.

Premiums shall not include: (i) annuity considerations; or (ii) charges by title insurers for abstracting, record searching, certificates as to the record title, escrow and closing services and other related services, or the costs and expenses of examinations of title.

Section 3. (a) Subject to the exceptions and exemptions hereinafter set forth, for the year beginning on January 1, 1995, and for each year thereafter, every insurer shall pay to the commissioner a premium tax equal to the percentage, as set out in this subsection (a), of the premiums received by the insurer for business done in this state, whether the same was actually received by the insurer in this state or elsewhere:

(1) Premium Tax on Life Insurance Premiums.

a. Except as hereinafter provided, the rates of taxation on life insurance premiums shall be those amounts set out in the following schedule:

<u>Year</u>	<u>Foreign Insurers</u>	<u>Domestic Insurers</u>
1995	2.9	1.3
1996	2.8	1.6
1997	2.7	1.8
1998	2.5	2.1
Every Year Thereafter	2.3	2.3

b. Individual life insurance policies in a face amount of greater than five thousand dollars (\$5,000) and up to and including twenty-five thousand dollars (\$25,000), excluding group life insurance policies, shall be taxed at the rate of one percent per annum.

c. Individual life insurance policies in a face amount of five thousand dollars (\$5,000) or less, excluding group life insurance policies, shall be taxed at the rate of one-half percent per annum.

d. For the purposes of computing the face amount of life insurance policies, all life insurance policies issued within 60 days of another on the life of the same applicant or applicants shall be treated as one policy.

(2) Premium Tax on Health Insurance Premiums.

a. Except as hereinafter provided, the rates of taxation on premiums for health insurance, and accident and health insurance for which a separate premium is charged, shall be those amounts set out in the following schedule:

<u>Year</u>	<u>Foreign Insurers</u>	<u>Domestic Insurers</u>
1995	2.9	1.3
1996	2.8	1.6
1997	2.4	1.6
1998	2.0	1.6
Every Year		
Thereafter	1.6	1.6

b. Premiums for hospital, medical, surgical, or other health care benefits provided pursuant to any employer sponsored plan for groups with less than 50 insured participants shall be taxed at the rate of one-half percent per annum.

c. Premiums for hospital, medical, surgical, or other health care benefits supplementary to Medicare and Medicaid, or provided pursuant to an employer sponsored plan for governmental employees, shall be exempt from the premium tax levied pursuant to this act.

(3) Premium Tax on Other Insurance Premiums.

a. Except as hereinafter provided, the rate of taxation on insurance other than life insurance, health insurance, and accident health insurance shall be 3.6 percent per annum.

b. Premiums for all of the following types of insurance shall be taxed at the rate of one percent per annum:

1. All property and multi-peril insurance written in fire protection Classes 9 and 10.

2. Mobile homes, mobile homeowners, homeowners and low value dwelling policies in a face amount of forty thousand dollars (\$40,000) or less.

c. The tax imposed at the rate specified in paragraph a. of this subdivision (3) shall be reduced by the following credits for certain economic development activities pursued in the State of Alabama.

1. Alabama Insurance Offices Facilities Credit.

For each office owned or leased by an insurer in the State of Alabama and used for insurance operations, an insurer shall be entitled to a credit against the tax imposed by paragraph a. of this subdivision (3) according to the following schedule:

<u>Number of Full Time Employees in Office</u>	<u>Credit as a % of Premiums Taxable Under Paragraph a.</u>
1 - 3	0.0025%
4 - 10	0.0050%
11 - 50	0.0075%
51 or more	0.0100%

The total credit allowable for Alabama insurance office facilities shall not exceed one percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

2. Alabama Real Property Investment Credit.

For each one million dollars (\$1,000,000) in value of real property investments in the State of Alabama, an insurer shall be entitled to a credit of 0.10 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). The total credit allowable for Alabama real property investments shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

(i) Alabama real property investments which qualify for the Alabama real property investment credit include any improved Alabama real property owned by the insurer or an affiliate of the insurer on January 1, 1993, and any improved or unimproved Alabama real property acquired or new construction placed in service on or after January 1, 1993, by the insurer or an affiliate of the insurer.

(ii) For purposes of determining the Alabama real property investment credit, Alabama real property investments shall be valued at cost and not at book value or fair market value. The cost of capital improvements to existing Alabama real property investments, such as the renovation of shopping centers, hotels, or other buildings, completed and placed in service by the insurer or an affiliate of the insurer on or after January 1, 1993, shall be considered an Alabama real estate investment.

(iii) For purposes of determining the value of Alabama real property investments, funds borrowed to finance Alabama real property investments shall be subtracted from cost so that only the net cost in the investment properties borne from assets belonging to the insurer or an affiliate of the insurer qualifies for the Alabama real property investment credit. The cost of debt-financed Alabama real property investments of an insurer shall be increased pro tanto as the underlying debt is paid off by the insurer or an affiliate of the insurer.

(iv) The Alabama real property investment credit shall not be allowed for properties in the State of Alabama used in an insurer's insurance operations and for which the Alabama insurance office facilities credit is allowed or allowable, without regard to the 1 percent limitation on the credit. However, the cost of real property owned in the State of Alabama and used in part as an Alabama real property investment and in part for the insurer's insurance operations shall be allocated on a square-foot basis so that the cost allocated to that portion of the property not used for insurance operations shall qualify for the Alabama real property investment credit.

(v) Mortgages held by an insurer that are secured by real property located in the State of Alabama shall not be considered Alabama real property investments for purposes of the Alabama real property investment credit.

3. Special Rules.

The following special rules apply to the Alabama insurance office facilities credit and the Alabama real property investment credit.

(i) For purposes of determining the economic development credits allowed under this section, the term affiliate shall mean any business entity, other than a life or health insurance company, which is wholly owned by the insurer subject to tax under paragraph a. of this subdivision (3) or any other insurer and its wholly owned subsidiaries, other than a life or health insurance company, which is part of a group of companies, including the insurer, which are under common control and management. For an insurer having affiliates, all premiums of the insurer and its insurance company affiliates subject to tax at the rate specified in paragraph a. of this subdivision (3) may be aggregated; all Alabama insurance office facilities and all Alabama real property investments may be aggregated; and, subject to the specific credit limitations, the total allowable tax credits may be determined as if all the aggregated premiums, office facilities, and Alabama real property investments were owned by one insurer. Once the total allowable credits have been determined, the credits may be allocated to the insurer and its insurance company affiliates at the sole discretion of the insurer subject to the specific credit limitations on a per insurance company basis. The computation of allowable credits and their allocation to affiliates shall be made on forms to be supplied by the Alabama Department of Insurance, which forms shall be filed with the insurer's annual statement.

(ii) Economic development credits allowed to foreign insurers shall be treated as Alabama premium taxes paid by the insurers for purposes of calculating any retaliatory tax due under Section 27-3-29.

(b) Notwithstanding any provision of law to the contrary, including, but not limited to, Section 27-4-4 and Section 27-4-5, Code of Alabama 1975, all premium tax payments made subsequent to passage of this act shall be remitted in accordance with this subsection (b). Beginning January 1, 1993, and all years thereafter, each insurer shall pay its premium taxes on a quarterly basis, as follows: on or before May 15, a payment estimated on the basis of 25% of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in the state from January 1 through March 31 of the same calendar year; on or before August 15, a payment estimated on the basis of 45% of its business done in this state during the preceding calendar year or, at the option of the

insurer, on the basis of 180% of its actual business done in this state from April 1 through June 30 of the same calendar year; on or before November 15, a payment estimated on the basis of five percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of 20% of its actual business done in this state from July 1 through September 30 of the same calendar year; on or before March 1, a payment in the amount of the remainder of the actual premium taxes due on its business done in the state during the preceding calendar year. On or before March 1 of each year, every authorized insurer shall file with the commissioner a statement, on a form as furnished or approved by the commissioner, setting forth the total amount of premiums received by it for business done in this state during the preceding calendar year. The statement shall be verified by an affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this subsection (b) that any taxes paid on an estimated quarterly basis during the calendar year shall be reconciled to actual premiums received on risks in this state for such calendar year on the March 1 payment date in the succeeding calendar year.

(c) The tax imposed by this section shall be subject to credit and deduction of the full amount, with 25 percent of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for all of the following:

(1) Ad valorem property taxes paid by an insurer on any building and real estate in this state which is owned and occupied, in whole or in part, by the insurer for the full period of the tax year as its principal office in the State of Alabama.

(2) All ad valorem taxes paid by an insurer during the calendar year on any other real estate and improvements thereon in this state which is owned and at least 50 percent occupied by the insurer for the full period of the tax year.

(3) Ad valorem property taxes paid by an insurer on the insurer's offices in this state during the calendar year, but with respect to the office apportioned to the square foot area occupied by the insured, whether the ad valorem taxes are paid directly by the insurer or in the form of rent to a third-party landlord.

(4) All license fees and taxes paid to any county in this state during the calendar year for the privilege of engaging in the business of insurance within the county.

(5) All expenses of examination of the insurer by the commissioner paid during the calendar year.

(6) All license or privilege taxes on lists of securities paid by the

insurer under Section 40-24-8, Code of Alabama 1975, during the calendar year.

(7) All franchise taxes paid by the insurer to the State of Alabama for the calendar year.

(8) All credits for assessments as provided under Sections 27-42-16 and 27-44-13, Code of Alabama 1975, or assessments for any insurance guaranty fund or pool now or hereafter created by statute paid during the calendar year.

(9) It is the intent of this subsection (c) that any estimated allowable credits or deductions claimed on quarterly returns be reconciled to actual expenditures made during the calendar year on the return due for March 1 in the succeeding calendar year.

(d) The premium taxes collected under this section shall be deposited in the State Treasury and credited as follows:

(1) To the credit of the State General Fund:

a. One hundred percent of the premium tax paid by all health maintenance organizations, domestic and foreign.

b. Fifty percent of the premium tax paid by domestic life insurers.

c. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive, Code of Alabama 1975.

d. Twenty-five percent of the premium tax paid by all other domestic insurers.

e. One hundred percent of the premium tax paid by foreign life insurers.

f. Sixty-two and one-half percent of the premium tax paid by all foreign property insurers.

g. Seventy-five percent of the premium tax paid by all other foreign insurers.

(2) To the credit of the Alabama Special Educational Trust Fund:

a. Fifty percent of the premium tax paid by domestic life insurers.

b. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive, Code of Alabama 1975.

c. Seventy-five percent of the premium tax paid by all other domestic insurers.

d. Thirty-seven and one-half percent of the premium tax paid by foreign property insurers.

e. Twenty-five percent of the premium tax paid by all other foreign insurers.

(3) To the credit of the Alabama Special Mental Health Trust Fund 100 percent of the premium taxes paid by nonprofit corporations organized pursuant to Sections 10-4-100 to 10-4-115, inclusive, Code of Alabama 1975.

(4) Any provision of this subsection (d) to the contrary notwithstanding, the amount credited to the Alabama Special Educational Trust Fund and the Alabama Special Mental Health Trust Fund for any fiscal year after the fiscal year ending September 30, 1992, under this subsection (d) shall be limited to no more than the amount so credited in the fiscal year ending September 30, 1992. Any premium tax that would have been credited to the Alabama Special Educational Trust Fund or the Alabama Special Mental Health Trust Fund but for this limitation, shall be credited to the State General Fund.

Section 4. Every insurer failing to comply with the requirements of this act shall be subject to a penalty of not less than one thousand dollars (\$1,000) nor exceeding ten thousand dollars (\$10,000), recoverable in an action brought by the Attorney General for the Commissioner. Upon any violation, the Commissioner may suspend or revoke the insurer's certificate of authority. Penalties recovered under this section shall be paid to the State Treasury to the credit of the State General Fund.

Section 5. The premium tax levied by this act is exclusive and shall be in lieu of all other and additional taxes and licenses of the state or county imposed on, based upon or measured by premiums received by the insurer for business done in this state. No license or privilege tax shall be charged any insurer paying the premium tax levied by this act by or on behalf of any county.

Section 6. Nothing in this act shall be construed to repeal any existing laws or statutes which exempt or exclude insurers from the payment of fees, taxes, or licenses other than the tax imposed by this act. Without limiting the generality of the preceding sentence, insurers upon

which this act imposes a tax upon their premium income or in lieu thereof, shall be exempt from income taxes imposed by the State of Alabama under the provisions of Chapter 18 of Title 40, Code of Alabama 1975, or any other similar law; and the shares of domestic insurers shall be exempt from ad valorem taxes as provided by Section 40-14-70, Code of Alabama 1975.

Section 7. Section 27-10-31, Code of Alabama 1975, is amended to read as follows:

"§27-10-31.

"(a) On or before the first day of March each year, the surplus line broker shall remit to the state treasurer through the commissioner, as a tax imposed for the privilege of transacting business as a surplus line broker in this state, a tax of ~~four~~ six percent on the direct premiums, less return premiums and exclusive of sums collected to cover state or federal taxes, on surplus line insurance subject to tax transacted by ~~him~~ the broker during the preceding calendar year as shown by ~~his~~ the annual statement filed with the commissioner.

"(b) If a surplus line policy covers risks or exposures only partially in this state, the tax so payable shall be computed on the proportion of the premium which is properly allocable to the risks or exposures located in this state.

"(c) The tax under the provisions of this section shall be subject to deduction of the full amount of all expenses of examination of the surplus line broker by the commissioner in the same manner as that allowed for domestic insurers for examination expenses under the provisions of subdivision (4) ~~of subsection (b) of section 27-4-5~~ (5) of subsection (c) of Section 3 of this act. All taxes collected under this section shall be deposited in the State Treasury to the credit of the State General Fund."

Section 8. Section 10-4-115, Code of Alabama 1975, is amended to read as follows:

"§10-4-115.

"No statute of this state applying to insurance companies shall be applicable to any corporation organized under the provisions of this article and amendments thereto or to any contract made by such corporation unless expressly mentioned in this article and made applicable; except, ~~that the provisions regarding annual premium tax to be paid by domestic insurance companies, pursuant to section 27-4-5, shall be applicable~~ that such corporation shall be subject to the provisions regarding annual premium tax to be paid by insurers on insurance premiums."

Section 9. Section 27-21A-28, Code of Alabama 1975, is amended to read as follows:

"§27-21A-28.

"Health maintenance organizations doing business in this state shall be subject to and pay the annual premium tax to be paid by insurers on insurance premiums. (a) The same taxes and filing requirements applicable to life insurers under this title, shall apply to and shall be imposed upon each health maintenance organization licensed under the provisions of this chapter; and the organization shall also be entitled to the same tax deductions, reductions, abatements, and credits that life insurers are entitled to receive. ~~All taxes collected hereunder shall be deposited to the credit of the general fund.~~

~~"(b) As to health maintenance organizations doing business in this state as of May 29, 1986, the taxes imposed by this section shall not take effect until January 1, 1989, but on and after such date shall be payable in accordance with the provisions of sections 27-4-4 and 27-4-5."~~

Section 10. Mutual aid associations shall be subject to the provisions of this act and subject to the annual premium tax to be paid by insurers on insurance premiums.

Section 11. Except as provided in Section 13, Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and 27-30-31, Code of Alabama 1975, and all laws or parts of law which conflict with this act are repealed effective at 12:01 a.m. on the first day of January 1995.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 13. Upon its passage and approval by the Governor, or upon its otherwise becoming a law, this act shall become effective at 12:01 a.m. on the first day of January, 1995, with respect to insurance premiums received on or after January 1, 1995; provided, however, that (1) the determination and payment of taxes due on premiums received prior to January 1, 1995, shall be pursuant to the law in effect prior to January 1, 1995 and (2) the provisions of subsection (b) of Section 3 shall become effective immediately upon passage of this act and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

Senator Bailey offered the following amendment to the Bill, HB 845, as amended by the substitute, to-wit:

AMENDMENT TO HB 845, AS AMENDED

Section 3(a)(3)c beginning at line 18, page 6 and ending at line 26, page 8 is deleted and the following added:

"c. The tax imposed at the rate specified in paragraph a. of this subdivision (3) shall be reduced by the following credits for certain economic development activities pursued in the State of Alabama.

1. Alabama Insurance Offices Facilities or Alabama Payroll Credit.

A. For each office owned or leased by an insurer in the State of Alabama and used for insurance operations, an insurer shall be entitled to a credit against the tax imposed by paragraph a. of this subdivision (3) according to the following schedule:

<u>Number of Full Time Employees in Office</u>	<u>Credit as a % of Premiums Taxable Under Paragraph a.</u>
1 - 3	0.0025%
4 - 10	0.0050%
11 - 50	0.0075%
51 or more	0.0100%

~~The total credit allowable for Alabama insurance office facilities shall not exceed one percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).~~

or:

B. There shall be allowed a credit based on the percentage which the amount paid by the insurer in salaries to employees located or based

within this state bears to the total salaries of all employees of the insurer. If the amount of said salaries equals at least 50 percent of the total salaries of all employees of the insurer, the insurer shall be entitled to a credit of 0.35 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). Should said percentage equal at least 60 percent, but less than 70 percent, the insurer shall be entitled to a credit of 0.70 percent. Should said percentage equal 70 percent or more, the insurer shall be entitled to a credit of 1 percent. For the purposes of paragraph B. of this subdivision;

(i) The term "salaries" does not include amounts paid as commissions.

(ii) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Alabama Insurance Code.

C. The total credit allowable under this Section 3(a)(3)(c).1 shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

2. ~~Alabama Real~~ Property Investment Credit.

A. For each one million dollars (\$1,000,000) in value of real property investments in the State of Alabama, an insurer shall be entitled to a credit of 0.10 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). ~~The total credit allowable for Alabama real property investments shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).~~

(i) Alabama real property investments which qualify for the Alabama real property investment credit include any improved Alabama real property owned by the insurer or an affiliate of the insurer on January 1, 1993, and any unimproved Alabama real property acquired or new construction placed in service on or after January 1, 1993, by the insurer or an affiliate of the insurer.

(ii) For purposes of determining the Alabama real property investment credit, Alabama real property investments shall be valued at cost and not at book value or fair market value. The cost of capital improvements to existing Alabama real property investments, such as the renovation of shopping centers, hotels, or other buildings, completed and placed in service by the insurer or an affiliate of the insurer on or after January 1, 1993, shall be considered an Alabama real estate investment.

(iii) For purposes of determining the value of Alabama real property investments, funds borrowed to finance Alabama real property in-

vestments shall be subtracted from cost so that only the net cost in the investment properties borne from assets belonging to the insurer or an affiliate of the insurer qualifies of the Alabama real property investment credit. The cost of debt-financed Alabama real property investments of an insurer shall be increased pro tanto as the underlying debt is paid off by the insurer or an affiliate of the insurer.

(iv) The Alabama real property investment credit shall not be allowed for properties in the State of Alabama used in an insurer's insurance operations and for which the Alabama insurance office facilities credit is allowed or allowable, without regard to the 1 percent limitation on the credit. However, the cost of real property owned in the State of Alabama and used in part as an Alabama real property investment and in part for the insurer's insurance operations shall be allocated on a square-foot basis so that the cost allocated to that portion of the property not used for insurance operations shall qualify for the Alabama real property investment credit.

(v) Mortgages held by an insurer that are secured by real property located in the State of Alabama shall not be considered Alabama real property investments for purposes of the Alabama real property investment credit; or

B. There shall be allowed a credit based on the percentage which an insurer's Alabama investments, as defined in this section, bears to the insurer's total admitted assets. Should an insurer's Alabama investments constitute at least 10 percent of its total admitted assets, the insurer shall be entitled to a credit of 0.35 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). Should said percentage equal 15 percent, but less than 20 percent, the insurer shall be entitled to a credit of 0.70 percent. Should said percentage equal 20 percent or more, the insurer shall be entitled to a credit of 1 percent. Alabama investments as used in this subsection B. shall mean any of the following investments:

(i) Real estate in this state;

(ii) Bonds or interest-bearing warrants or other evidences of indebtedness of the state of Alabama or of any county, city, town, school district, state educational institution, municipality or other subdivision of this state, or of any duly authorized agency, board or authority of the state of Alabama or of any political subdivision thereof whether such agency, board or authority now exists or is hereafter created;

(iii) Stocks, bonds or other evidences of indebtedness of any housing or redevelopment authority organized under the Housing Authorities Law or Redevelopment Law of the state of Alabama, as from time to time established and amended;

(iv) Notes or bonds secured by mortgages or other liens on real estate or on leasehold interests in real estate in the state of Alabama;

(v) Stocks, bonds, debentures, notes or other evidences of indebtedness of any corporation organized under the laws of the state of Alabama;

(vi) Notes, debentures or other evidences of any indebtedness of any business operated as a sole proprietorship, partnership or other legal entity having its principal office and place of business in the state of Alabama;

(vii) Notes, bonds or other evidences of indebtedness secured by mortgage or other lien upon real estate situated in the state of Alabama and insured or guaranteed, in whole or in part, by the United States or any agency or instrumentality thereof, together with any bonds, debentures or other evidences of indebtedness of the United States or any agency or instrumentality thereof received and retained in whole or partial settlement of any such insurance or guaranty;

(viii) Collateral loans to Alabama residents or to others where at least one half of the value of the collateral so pledged constitutes an Alabama investment as defined in this section;

(ix) Cash deposits in regularly established national or state banks in this state on the basis of the average monthly deposits throughout the calendar year;

(x) Loans secured by policies on the lives of residents of the state of Alabama.

(xi) Share or share accounts of building and loan associations organized under the laws of the state of Alabama or in the share or share accounts of federal savings and loan associations having their principal office in the state of Alabama;

(xii) Stocks, bonds, notes, debentures or other evidences of indebtedness of any corporation organized under the laws of any other state of the United States, to the extent that the assets of such corporation located in the state of Alabama bear to the total assets of the corporation issuing such stocks, bonds, notes or other evidences of indebtedness;

(xiii) Stocks, bonds, notes or other evidences of indebtedness issued by railroad companies, public carriers or transportation companies, to the extent that its trackage or mileage in Alabama bears to the total trackage or mileage of such railroad, public carrier or other transportation company;

(xiv) That percentage of such insurer's investments in stocks, bonds, notes or other evidences of indebtedness of any telegraphs, telephone, electric power company or other public utility to the extent that the revenue of any such company from Alabama bears to the total of such telegraph, telephone, electric power company or other public utility, and

(xv) That percentage of the insurer's investments held as of December 31, in direct obligations of the United States of America as the total premiums received by the company for direct insurance of subjects located, resident or to be performed in Alabama relate to the total premiums received by the insurer.

C. The total credit allowable under this Section 3(a)(3)(c)2 shall not exceed 1% of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

On motion of Senator Lindsey, said amendment was laid on the table.

Yeas 18 Nays 13

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Smith (J), Wilson, and Windom -18

Nays:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Langford, Lipscomb, Owens, Parsons, Sanders, and Waggoner -13

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 529. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

Also:

S. 25. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pickensville in Pickens County.

Also:

S. 519. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 483. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

Also:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

Also:

S. 612. To propose an amendment to the Constitution of Ala-

bama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

Also:

S. 618. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

Also:

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 845

The Senate proceeded to further consideration of the Bill, HB 845, as amended.

Senator Floyd offered the following amendment to the Bill, HB 845, as amended by the substitute, to-wit:

AMENDMENT TO HB 845, AS AMENDED

Amend House Bill 845, as amended by the substitute, on page 1, line 26 after the period by inserting the following:

"This bill requires submission to the department of insurance of certain statements by insurers who paid premium taxes to this state on business done during calendar year 1992."

Further amend the bill, as amended by the substitute, page 2, line 20 after the semi-colon by inserting the following:

"to provide that certain statements be provided to the insurance department;"

Further amend the bill, as amended by the substitute, on page 16 after line 25 by inserting a new Section 11 as follows and renumbering all subsequent sections.

"Section 11. Each insurer who paid premium taxes to this state

on business done during calendar year 1992 shall submit to the department of insurance a statement indicating the amount of premium taxes which would have been paid by that insurer on that business if the insurer's taxes had been determined under the provisions of this act which will apply to business done in this state during calendar year 1995, including, but not limited to, all provisions related to rates and credits. This information shall be submitted on a form to be developed and furnished by the commissioner, such form to be furnished by the department to insurers no later than August 1, 1993 and returned to the department by insurers no later than October 1, 1993. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts."

Further amend the bill, as amended by the substitute, on page 16, line 26 after the word "Section" by deleting "13" and inserting "14" in lieu thereof.

Further amend the bill, as amended by the substitute, on page 17, line 13 after "3" by inserting the following:

"and the provisions of Section 11"

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -31

Nays:

- 0

Senator Bailey offered the following amendment No. 2 to the Bill, HB 845, as amended by the substitute, as amended, to-wit:

AMENDMENT NO. 2 TO HB 845, AS AMENDED

Amend House Bill 845, as amended by the substitute, as amended, on page 17 by deleting lines 1-4 in their entirety and renumbering all subsequent sections accordingly.

On motion of Senator Bailey, the Rules were suspended and further consideration of the Bill, HB 845, as amended by the substitute, as amended, and pending amendment, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 453. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

HJR 411. HONORING MR. HERMAN L. MOORE OF ATLANTA, GEORGIA, UPON HIS RETIREMENT.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 561. Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

Also:

S. 564. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program

for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Also:

S. 592. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Also:

S. 598. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Also:

S. 621. Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 132. CREATING THE CONTINUING STATE CONSTITUTION REVISION STUDY COMMITTEE.

And on motion of Senator Hale, said Resolution, HJR 132, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following

House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 279. PROVIDING FOR A LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

WHEREAS, The legislative committee to evaluate the unmet needs of caregivers and victims of Alzheimer's Disease and related disorders has been dissolved and discharged; and

WHEREAS, The Legislature is in need of data relative to:

- (1) The extent of Alzheimer's Disease and related disorders;
- (2) To identify available resources and gaps in needed services for persons suffering from the disease and for their families; and
- (3) To develop policy recommendations to address the problem of Alzheimer's Disease in Alabama covering the following areas:
 - a. Financial assistance and social supports to patients and families.
 - b. Improved patient care and services.
 - c. Increased public awareness.
 - d. Research.
 - e. Improved coordination of state activities.
 - f. Education.
 - g. Legislative initiatives; and

WHEREAS, The Legislature is aware of an ongoing Executive Task Force Study Committee on Alzheimer's Disease which has spent many months developing the data that this body needs to evaluate the appropriate legislative action in order to eliminate the duplication of fact-finding, energies, and state funds; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Executive Study Committee on Alzheimer's Disease who are not public officials or state employees be reimbursed for the costs and expenses reasonably related to the task study on Alzheimer's Disease from appropriations made to the Legislature upon approval by the chairman in warrant drawn from funds appropriated to the Legislature, not to exceed ten thousand dollars (\$10,000).

BE IT FURTHER RESOLVED, That the state agencies and departments represented on the committee shall provide necessary

clerical and technical assistance and shall serve without additional compensation.

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations to the Legislature by the tenth legislative day of the 1994 Regular Session, and from time to time in the interim, at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

And on motion of Senator Hale, said Resolution, HJR 279, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

HJR 96. SPECIFYING THE LEGISLATIVE INTENT OF ACT 91-617.

Also:

HJR 11. RESOLUTION TO SUPPORT THE REQUEST OF U.S. SENATORS SAM NUNN, HOWELL HEFLIN, AND RICHARD SHELBY TO PRESIDENT CLINTON TO KEEP IN TACT THE BAN ON HOMOSEXUALS SERVING IN THE U.S. ARMED FORCES.

On motion of Senator Little, said Resolution, HJR 96 was concurred in and adopted by the Senate

On motion of Senator Hale, said Resolution, HJR 11, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 273. REQUESTING THE UNITED STATES CONGRESS TO DIRECT THE INTERNATIONAL TRADE COMMISSION TO STUDY THE DOMESTIC METALLURGICAL COKE MARKET.

WHEREAS, the long and storied history of iron and steel manufacturing in this state has existed on the strong shoulders of coke producers; and

WHEREAS, the coke industry in the United States is tied to the economic well-being of this state; and

WHEREAS, there are five coke producers within this state who have hundreds of employees and millions of dollars in payroll and form a significant part of the tax base of this state; and

WHEREAS, a situation exists where foreign coke producers are dumping metallurgical coke into this country's market at less than the cost of producing domestic coke, even though they import much of their coal from the United States; and

WHEREAS, the importation of foreign coke will cause the loss of several thousand jobs and be a lasting detriment to this country's steel industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional Delegation and the President of the United States are respectfully requested to direct the International Trade Commission to study the domestic metallurgical coke market to identify and document the import practices of metallurgical coke producers and brokers relative to production costs, recovery, and marketplace influence.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Senator Heflin, Senator Shelby, the Alabama U. S. House Delegation and President Clinton.

And on motion of Senator Hale, said Resolution, HJR 273, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 277. EXPRESSING THE SENSE OF THE LEGISLATURE THAT WOMEN'S SOCCER SHOULD BE A MEDAL SPORT AT THE 1996 CENTENNIAL OLYMPIC GAMES IN ATLANTA, GEORGIA.

WHEREAS, the participation in soccer programs by women in the United States of America and abroad has increased dramatically since 1988; and

WHEREAS, forty-five nations competed in the first Women's World Soccer Championship in the People's Republic of China; and

WHEREAS, the United States Women's National Soccer Team won the first Women's World Soccer Championship; and

WHEREAS, bids have been extended to host the second Women's World Soccer Championships; and

WHEREAS, sixty-four nations have a national women's soccer team; and

WHEREAS, forty percent of American youth playing soccer are female; and

WHEREAS, twenty-six percent of the more than 29,000 soccer players at the college level in the United States are women; and

WHEREAS, one-third of the 327,000 soccer players at the high school level are women; and

WHEREAS, during the 1990-1991 school year, high schools in the United States of America added soccer to their sports programs more often than any other sport; and

WHEREAS, Atlanta, Georgia, will host the 1996 Olympic games; and

WHEREAS, many nations have announced that they will give women's soccer priority in their Olympic programs once it becomes a medal sport; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby support the cause of women's soccer teams in becoming a medal sport at the 1996 centennial Olympic games in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the International Olympic Committee.

And on motion of Senator Hale, said Resolution, HJR 277, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

HJR 287. COMMENDING WILLIE JUANITA NICHOLS ON HER RETIREMENT FROM ROSA A. LOTT ELEMENTARY SCHOOL IN CITRONELLE, ALABAMA.

Also:

HJR 290. COMMENDING THE RED BAY FFA QUARTET AND STRING BAND.

Also:

HJR 292. CONGRATULATING BILLINGSLEY HIGH

SCHOOL AS ALABAMA'S 1992 STATE 1A FOOTBALL CHAMPIONS.

Also:

HJR 293. RECOGNIZING MR. CHUCK COLSON, RECIPIENT OF THE TEMPLETON PRIZE FOR PROGRESS IN RELIGION.

Also:

HJR 294. COMMENDING BO JACKSON ON MAKING THE CHICAGO WHITE SOX ROSTER AFTER RECOVERING FROM A SERIOUS HIP INJURY.

And on motion of Senator Hale, said Resolutions, HJR's 287, 290, 292, 293, and 294, were concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 344. REQUESTING THE U. S. CONGRESS TO USE DEFENSE CONVERSION REVENUE FOR THE DEVELOPMENT OF BUSINESS INCUBATORS.

WHEREAS, the Legislature of Alabama notes that the economy of the United States of America is undergoing major structural changes; and

WHEREAS, job opportunities for the citizens of the United States are being challenged daily; and

WHEREAS, employers cannot maintain competitiveness by exclusively downsizing and cost-cutting without further actions; and

WHEREAS, we recognize the need to develop new businesses and create opportunities for expanding existing industries; and

WHEREAS, the threat to world peace has diminished due to the end of the Cold War and communist governments are becoming democratic governments; and

WHEREAS, this transition will cause the budget of the United States government to realize a peace dividend; and

WHEREAS, the Clinton administration policy calls for "A vision of change for America"; and

WHEREAS, business incubators have successfully created new jobs for the citizens of the United States; and

WHEREAS, business incubators, as a proven agent of change, answer the call for "A vision of change for America" by President Clinton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the Congressional Delegation of Alabama and the Clinton administration to provide peace dividend revenue or revenue allocated in the defense conversion program to the Economic Development Administration for use by business incubators in the several states in cooperation with the National Business Incubation Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation and President Clinton that they may know of our desires in this matter.

And on motion of Senator Hale, said Resolution, HJR 344, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 241. REQUESTING THE UNITED STATES CONGRESS TO REPEAL CERTAIN PROVISIONS OF THE OMNIBUS TRADE AND COMPETITIVENESS ACT, 1988, RELATING TO THE USE OF THE METRIC SYSTEM ALONG THE HIGHWAYS.

WHEREAS, the United States Congress enacted Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) and the Metric System Conversion Act of 1975 (Public Law 94-168) and are codified in part as 15 United States Code 205 a. and following sections, and will require all the states to allocate vast sums of taxpayers' dollars to erect metric signs along the highways of this nation by 1996, and indeed has already caused various federal agencies to convert their operations to the metric system; and

WHEREAS, there is much public opposition in Alabama to converting to the metric system as a nation, and to a further intrusion by the federal government into the every day lives of its citizens, and the metric signs along the highways of this state will cause many accidents along the highways; and

WHEREAS, President George Bush on July 25, 1991, issued

Executive Order 12770 and designated the Department of Commerce to coordinate to implement the government metric usage and further ordered specific actions by the various executive branch departments and agencies by September 30, 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the United States Congress to repeal forthwith those provisions of Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) and the Metric System Conversion Act of 1975 (Public Law 94-168) that require the states to erect metric signs along the highways by 1996 at considerable state expense.

BE IT FURTHER RESOLVED, That we strongly urge President Clinton to rescind forthwith Executive Order 12770, July 1991, and any other executive orders that require the states to erect metric signs along the highways by 1996.

RESOLVED FURTHER, That copies of this resolution be sent by the the Clerk of the House to the President of the United States, to each member of the Alabama Congressional Delegation, and to the Secretary of Commerce.

And on motion of Senator Hale, said Resolution, HJR 241, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 253. URGING THE U.S. CONGRESS TO OPPOSE THE PROPOSED WATERWAY FUEL TAX.

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority is an interstate compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee; and

WHEREAS, this multi-state agency represents the public and private interests in the development of the Tennessee-Tombigbee Waterway and its commercial and trade potential; and

WHEREAS, Barge transportation is clearly the most energy efficient and the most environmentally safe mode for moving certain commodities such as petroleum and chemicals;
and

WHEREAS, A user fee or fuel tax of one dollar (\$1) per gallon to

recoup the federal costs of operating and maintaining the Nation's waterways, in addition to the current user tax that will reach 20 cents per gallon by 1995, and a proposed energy tax on B.T.U. consumption by the Clinton Administration that will affect all energy users; and

WHEREAS, these aforementioned proposals, if enacted, will raise total waterway user fuel taxes to one dollar (\$1) per gallon resulting in skyrocketing transportation rates that will drive commerce off the river; and

WHEREAS, this inequitable level of taxation will certainly shut down this vital transportation system and create enormous business losses to American industry, farmers, coal, and other producers, thereby jeopardizing billions of dollars of private and public investments dependent upon waterways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly oppose the the approval or enactment of an additional per gallon user fuel fee by the federal government due to its iniquity and resultant losses to local, regional, and national economies.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation that they may know of our desires concerning this matter.

And on motion of Senator Hale, said Resolution, HJR 253, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 264. URGING THE STATE HIGHWAY DEPARTMENT TO ERECT DESTINATION SIGNS ALONG ALABAMA HIGHWAY NO. 157 IN LAWRENCE COUNTY TO SPEAKE HIGH SCHOOL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Alabama State Highway Department to cause at least two destination signs giving directions to Speake High School to be erected along Alabama Highway No. 157 in Lawrence County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent by the Clerk of the House to Mr. Mack Roberts, Highway Director.

And on motion of Senator Hale, said Resolution, HJR 264, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 278. DECLARING THE DEVELOPMENT OF HIGH SPEED RAIL TRANSPORTATION TO BE IN THE INTEREST OF THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama finds that the President of the United States has pledged to invest billions of dollars in rehabilitating and enlarging the industrial infrastructure of this country; and

WHEREAS, President Clinton has included in his scheme for reviving the economy of this country the development of high speed rail transportation as a way of using an available industrial infrastructure on a national scale and rehabilitating it for use into the twenty-first century; and

WHEREAS, the development of high speed rail transportation in Alabama would provide jobs for its citizens and long-term investments in its economy; and

WHEREAS, the creation of a high speed rail authority would provide a vehicle for coordinating state and federal planning of high speed rail transportation in Alabama and be a conduit for federal funds; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the development of high speed rail transportation in Alabama as a positive influence on the economic lives of our citizens and hereby declare that its development is in the best interests of the citizens of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the state congressional delegation in Washington D. C.

And on motion of Senator Hale, said Resolution, HJR 278, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 409. AMENDING HJR 107, ACT NO. 92-89, 1992 REGULAR SESSION, WHICH CREATED A BOARD TO COORDINATE THE SUPPORT AND PARTICIPATION BY THE STATE OF ALA-

BAMA IN THE 1996 SUMMER OLYMPICS TO BE HELD IN ATLANTA, GEORGIA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a board to coordinate the support and participation of the State of Alabama in the 1996 Summer Olympics to be held in Atlanta, Georgia. The objectives of the board shall be:

(1) To promote the Olympics and encourage tourists to visit and spend time in Alabama while attending the Olympics.

(2) To coordinate the use of facilities in Alabama that may be utilized for the Olympics.

(3) Encourage private funding for the activities of the board.

The board shall coordinate with all of the following:

(1) Alabama Department of Tourism and Travel.

(2) Hotel and motel associations.

(3) Business and industry.

(4) Universities.

(5) Chambers of commerce.

The board shall be composed of twelve members to be appointed as follows:

(1) Four appointed by the Governor.

(2) Four appointed by the Lieutenant Governor, two of whom shall be members of the Senate.

(3) Four appointed by the Speaker of the House of Representatives, two of whom shall be members of the House of Representatives.

The Governor shall be the chair and the Lieutenant Governor shall be the vice chair. The Governor shall call the first meeting no later than 90 days after appointments are finalized by December 31, 1992. The members of the board shall receive the same mileage and per diem as state employees for attending meetings of the board which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. The board may only meet 30 days within each calendar

year and the board shall be dissolved at the conclusion of the 1996 Summer Olympics.

And on motion of Senator Hale, said Resolution, HJR 409, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 412. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

WHEREAS, in May 1991 Valentina Golovkina and her ten-year-old daughter, Nastya, arrived in Alabama from the former Soviet Union via Project Little Lamb, a Cullman-based missionary and support group, for medical treatment of Nastya who developed acute lymphocytic leukemia when she was five, after the Chernobyl nuclear plant disaster; and

WHEREAS, in May 1992 the doctors determined that Nastya needed a bone-marrow transplant and her father Arkadi Golovkina, and her sister Olga left their home to join Nastya and her mother in Cullman; and

WHEREAS, during the following year a fund-raising campaign was conducted so that Nastya could have the bone-marrow transplant, but she never received the transplant for a number of reasons, including the difficulty of finding a donor; and

WHEREAS, twelve-year-old Nastya's seven-year battle with leukemia ended April 6, 1993 at Children's Hospital, Birmingham, Alabama, with her parents Arkadi and Valentina Golovkina, and her sister Olga by her side, and she was laid to rest in Cullman City Cemetery, in a city where she was declared an honorary citizen; and

WHEREAS, the Golovkina family came to the United States under a medical visa and have resided in Cullman since their arrival, where they have received overwhelming support from the citizens of Cullman and this state and where they have come to appreciate and enjoy the freedom and opportunities of a democracy; and

WHEREAS, the Golovkinas gave up everything, including their homes and professions, to be with their daughter, Nastya, and should they be required to return to their homeland, they will face destitution.

WHEREAS, each member of the Golovkina family is trained and experienced in professions that would be compatible and beneficial to the economy of this state and jobs have been made available to each of them in Alabama; and

WHEREAS, the Golovkina family with the support and assistance of the citizens of Cullman and this state are making every effort to remain in the United States and acquire citizenship in this great country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully, but strongly urge all members of the Alabama Delegation to the United States Congress to assist in and support the efforts of the Golovkina family to remain in the United States and become citizens.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

And on motion of Senator Hale, said Resolution, HJR 412, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

HJR 422. COMMENDING JOHN B. SAINT, DON P. KELLY, AND CHESTER J. STEFAN FOR PURCHASING THE MITCHELL COMPANY FROM THE RESOLUTION TRUST CORPORATION.

Also:

HJR 423. MOURNING THE DEATH OF SAMUEL McCOY JOHNSTON, JR., OF MOBILE, ALABAMA.

Also:

HJR 424. COMMENDING DR. EDUND "ED" DYAS ON HIS INDUCTION INTO THE 1993 MOBILE SPORTS HALL OF FAME.

Also:

HJR 426. COMMENDING SOUTHERN LIVING FOR SELECTING THE STATE OF ALABAMA AND BLOUNT SPRINGS IN BLOUNT COUNTY AS THE SITE FOR BUILDING THE 1993 IDEA HOUSE.

And on motion of Senator Hale, said Resolutions, HJR's 422, 423, 424, and 426, were concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 64. REQUESTING THE COMMISSIONER OF REVENUE TO ACT TO END THE ABUSES OF DEALER LICENSE PLATES ON MOTOR VEHICLES AND TO SUPPORT H. 24 OF THE 1993 REGULAR SESSION.

And on motion of Senator Hale, said Resolution, SJR 64, was adopted by the Senate.

RESOLUTION RECONSIDERED

On motion of Senate Hale, the Senate reconsidered the vote by which the Resolution, HJR 132, was concurred in and adopted by the Senate.

Senators Parsons and Hale offered the following substitute for the Resolution, HJR 132, to-wit:

SUBSTITUTE FOR HJR 132

HJR 132. CALLING FOR AN ELECTION TO BE CONDUCTED TO DETERMINE IF A CONSTITUTIONAL CONVENTION SHALL BE HELD TO REVISE AND AMEND THE CONSTITUTION OF ALABAMA OF 1901.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That on the date of the next general election, an election shall be held in the several counties of this State, in the same manner and by the same officers as general elections are required to be held, for the purpose of determining whether or not a convention shall be held to revise and amend the Constitution of Alabama. At the election, the question of the holding of a convention shall be submitted to a vote of qualified electors of the State. If a majority of the voters voting at the election approve of the holding of a convention for the purpose stated, the convention shall be held as hereinafter provided.

2. At this election every qualified elector who approves of the holding of a convention shall declare it by depositing his or her ballot at the voting place where he or she is entitled to vote by making a cross

mark before the words "for convention," written or printed on the ballot. Every qualified elector, who disapproves of the holding of a convention, shall deposit his or her ballot, marked with a cross mark before the words "no convention," which shall be written or printed on the ballot.

3. (a) At the time of the election, voters from each Alabama House of Representatives District shall elect one delegate from each district to the convention. Each living former Governor shall be a delegate. In addition, voters from each U. S. Congressional District, as each district was constituted on September 1, 1992, shall elect six delegates from each district. Also, four delegates shall be elected statewide.

(b) Candidates for election as delegates from districts shall be nominated in the same manner in which candidates for election to fill vacancies in the Legislature are nominated. Candidates for election as statewide delegates shall be nominated in the same manner in which candidates for statewide office are nominated. Candidates for delegates shall qualify for election with the Secretary of State at least 30 days prior to election. There shall not be a qualifying fee. If no candidate for delegate receives a majority of all votes cast in the election, a second election shall be held pursuant to Chapter 16 of Title 17 of the Code of Alabama 1975. All candidates for delegates shall be subject to the Fair Campaign Practices Act, Sections 17-22A-1 to 17-22A-23, inclusive, Code of Alabama 1975. The names of all candidates so nominated, and no other names, shall be printed on the official ballots to be prepared for the purpose of the election. The ballots shall be separate and distinct from the ballots on which are printed the words "For Convention" and "No Convention". The official ballot containing the names of all candidates shall be prepared in the same manner as official ballots are prepared in general elections. Above the names of the candidates shall be printed the words, "For delegates to the Constitutional Convention from the Alabama House of Representatives District, or U. S. House of Representatives District, or the state-at-large, as the case may be, _____ Vote for one delegate."

4. All delegates to the convention shall be citizens of the State and qualified electors of their respective districts. No person shall be disqualified from being a delegate because he or she holds any office of honor or profit under the State or Federal government.

5. On Thursday following the election, the returning board of each county in the State, shall meet at the court house of the county for the purpose of canvassing the returns of the election. The returning board shall ascertain how many votes were cast "for convention," how many votes were cast "no convention," and how many votes were cast as a whole in the county. The returning board shall certify the votes immediately to the Secretary of State. The returning board shall

ascertain the number of votes received by the candidates for delegates for each place in the various districts, and shall certify the votes to the Secretary of State.

6. On the seventh day following the election, the Governor, Secretary of State, and Attorney General shall assemble in the office of the Secretary of State and, upon the returns of the election, canvass the votes which have been cast "for convention" and "no convention" as appear from the returns. If it appears that a majority of all persons voting in the election voted for the holding of the convention, they shall ascertain from the returns which persons were elected as delegates to the convention from each of the several districts, and the Secretary of State shall issue certificates of election to the persons so elected. The Governor shall give public notice, by proclamation, of the fact that a majority of the electors of the State voting at the election approved the calling of the convention for the purpose above stated. The proclamation shall be published in every county of the State in a newspaper of general circulation in the county in which it is published. The Governor shall call upon the delegates elected to assemble at the time and place, and for the purpose, herein designated. The courts of the State shall take judicial notice of such proclamation.

7. If the holding of the convention is approved by the qualified electors of this State, the delegates elected shall convene in the hall of the House of Representatives in the historical State Capitol Building in the City of Montgomery on the second Tuesday in January of the next year, at 12:00 noon. They shall organize the convention by the election of a president, from among themselves, and any other officers, who need not be delegates, as they may deem necessary. The convention shall continue in session until it shall, by careful revision and amendment of the present constitution, frame and adopt a revised constitution for this State.

8. In case any dispute occurs as to the right of any person to sit in the convention as a delegate, the question shall be decided by the convention, which shall be the exclusive judge of the election, qualification, and returns of its own members. Any person desiring to contest the election of a person, who is certified as being elected as a delegate to the convention, may do so in the same manner as the election of a member of the House of Representatives of the Legislature of Alabama is contested, by giving the same bond, and testimony shall be taken in the same manner.

9. The delegates to the convention shall be supplied with stationery, books, statutes, reports, and documents in the same manner as members of the Legislature of Alabama. The Chief Justice of the Supreme Court, or in his or her absence, one of the Associate Justices of the Supreme Court, shall call the convention to order and preside

until temporary officers are elected. The delegates shall receive for their services the same per diem and mileage from the State Treasury as is allowed to members of the Legislature of Alabama and the other expenses of the convention shall be paid in the same manner as provided for the Legislature of Alabama. The per diem, mileage, and other expenses shall be paid on the certificates of the president and secretary or clerk of the convention, to the State Comptroller, in the same manner that payment of the compensation to members of the Legislature of Alabama is by law directed to be made. Per diem compensation shall not be allowed or paid to any member of the convention for a period of time longer than 75 consecutive calendar days.

10. The convention shall file with the Secretary of State, within one week after its adjournment, certified by the hand of the president and secretary or clerk, a clean and correct copy of the constitution which the convention adopts. The convention shall keep a correct journal of its proceedings, and file it upon adjournment with the Secretary of State.

11. Before entering upon the discharge of his or her duties as a member of the convention, each delegate shall, before a judge of the circuit or Supreme Court of this State, take the following oath: "I do solemnly swear that I will support the Constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate of this convention, so help me God".

12. Except as herein otherwise provided, the general election laws of this State shall apply fully to the elections provided for under this resolution, including all matters preliminary to the holding of the elections as well as all matters subsequent thereto.

13. The judge of probate of each county shall prepare and furnish to the election officials of each voting place in the county a sufficient number of official ballots equal. The ballots shall be prepared in the manner provided under existing laws, and shall contain the names of the persons who have been nominated and certified as candidates as herein provided.

14. In the event of the framing of a constitution by the convention, it shall be the duty of the Governor, within one week after the filing of the constitution with the Secretary of State, to issue his or her proclamation, published in the same manner as the proclamation to assemble the convention is required to be published under paragraph 6. The proclamation shall state that the constitution has been framed and that an election will be held in the several counties of the State for the purpose of submitting the constitution to the qualified voters of the State for ratification or rejection. The Governor shall publish a copy of the proposed constitution at the same time and in the same manner as the proclamation is required to be published. The election required by this

paragraph shall be held not less than 20 days nor more than 60 days after the date of the proclamation and the date of the election shall be set forth in the proclamation. The election shall be held by the same officers and in the same manner as general elections are required to be held.

15. At the election provided for by the preceding paragraph, every qualified voter who is in favor of the ratification of the constitution so framed by the convention shall make a cross mark before the words "For Constitution," which shall be written or printed on the ballot, and shall deposit his or her ballot at the voting place where he or she may be entitled to vote. Every qualified elector voting at the election who is against the ratification of the constitution shall deposit his or her ballot at the voting place where he or she may be entitled to vote and mark a cross mark before the words, "Against Constitution," which shall be written or printed on the ballot. The returns of the election shall be made in the same manner, within the same time, by the same officers, certified to the same officer, and shall be in the same form as provided in paragraph five of this resolution.

16. Within 15 days after the day on which the election shall be held for the ratification or rejection of such constitution, the Governor, Secretary of State, and Attorney General shall assemble in the office of the Secretary of State and open the returns of the election. They shall tabulate the votes which may have been cast "For Constitution" and "Against Constitution," and the results shall be certified to the Governor by the Secretary of State and Attorney General. If the constitution is ratified by a majority of all the qualified electors voting at the election, the Governor shall designate a date in the proclamation, not later than 10 days from the date of the proclamation, at which time the new constitution shall go into effect as the Constitution of the State of Alabama, and shall be binding and obligatory as such upon all the people of this State.

17. If an election is called as required under paragraph 14 of this resolution, the judge of probate of each county in the State shall prepare and furnish the official ballots to be voted at such election as now required under the general election laws of the State which official ballot shall be prepared according to the requirements of paragraph 15 of this resolution. No ballot other than an official ballot shall be cast and counted in the election, and the election shall be held and conducted as general elections are held, except as otherwise provided by this resolution.

Which was adopted.

And on motion of Senator Parsons, said Resolution, HJR 132, as amended by the substitute, was again concurred in and adopted by the Senate.

RESOLUTIONS

Senators Lipscomb, Bolling, Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 132. REQUESTING A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 6, 1993, TO OBSERVE THE 1993 NATIONAL DAY OF PRAYER.

WHEREAS, prayer is the mainspring of the American spirit, a fundamental tenet of our people since before the Republic was founded; a year before the Declaration of Independence in 1775, the Continental Congress proclaimed the first National Day of Prayer as the initial positive action they asked of every colonist; and

WHEREAS, two hundred years ago in 1783, the Treaty of Paris officially ended the long, weary Revolutionary War during which a National Day of Prayer had been proclaimed every spring for eight years; when peace came, the National Day of Prayer was forgotten; for almost half a century, as the Nation grew in power and wealth, we put aside this deepest expression of American belief -- our national dependence on the Providence of God; and

WHEREAS, it took the tragedy of the Civil War to restore a National Day of Prayer; as Abraham Lincoln said, "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us."; and

WHEREAS, revived as an annual observance by Congress in 1952, the National Day of Prayer has become a great unifying force for our citizens who come from all the great religions of the world; prayer unites people; this common expression of reverence heals and brings us together as a Nation and we pray it may one day bring renewed respect for God to all the people of the world; and

WHEREAS, from General Washington's struggle at Valley Forge to the present, this Nation has fervently sought and received divine guidance as it pursued the course of history; this occasion provides our Nation with an opportunity to further recognize the source of our blessings, and to seek His help for the challenges we face today and in the future; and

WHEREAS, Thursday, May 6, is the 1993 National Day of

Prayer, which will be observed by citizens gathering for prayer for our nation, states, and cities at our city halls throughout Alabama and the Nation at 12:20 p.m. local time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that both houses of the Legislature shall recess on Thursday, May 6, 1993, from 12:00 noon until 1:30 p.m. in support of the National Day of Prayer.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor Folsom, President Pro Tem deGraffenried, and Speaker Clark, that they may know of our feelings and desires concerning this matter.

On motion of Senator Lipscomb, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

SJR 133. COMMENDING THOMAS WILLIAM PARISH, SR., OF CLAYTON, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes Thomas William Parish, Sr., of Clayton, Alabama, for his lifetime of service to the Clayton and Barbour County community; and

WHEREAS, Thomas William Parish, who was born on March 28, 1908, in Clayton, Alabama, and who celebrated his 85th birthday this year, is a retired farm equipment dealer, and was honored by the Alabama Farm and Power Equipment Dealers Association in 1988 for his dedicated service to the association, and for his service as president in 1969; he also is a former vice president of Clayton Banking Company, and was a longtime member and the youngest member ever to be elected to the Clayton City Council; and

WHEREAS, Mr. Parish, a United States Army veteran and a faithful member of Clayton United Methodist Church, is an active member of the Clayton Rotary Club, Masonic Lodge #10, the Auburn University's Golden Eagle Club, and remains active and involved at the Clayton Record, where his wife, Bertie G. Parish, is editor and publisher; and

WHEREAS, named a Paul Harris Fellow, he is a former member of the Barbour County Democratic Executive Committee, which he served as chairman, and a past Worshipful Master Shriner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding community service and contributions to the Clayton and Barbour County community, we hereby most highly commend Mr. Thomas William Parish, Sr., of Clayton, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake, Butler, Morrow, Hamilton, Burke, and Harvey:

HJR 459. A RESOLUTION RELATING TO CONSTRUCTION OF THE HUNTSVILLE TOLL BRIDGE AND HIGHWAY PROJECT; APPROVING A PROPOSED PLAN OF FINANCING THE COST OF CONSTRUCTION OF A FORTY-ONE MILE TOLL ROAD AND BRIDGE ACROSS THE TENNESSEE RIVER BY ALABAMA TOLL FACILITIES, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ALABAMA; THE LEGISLATURE AGREEING TO ACT AS SPONSOR FOR THE PROJECT; RECOGNIZING THE NEED FOR THE ISSUANCE OF THE CORPORATION'S BONDS TO FINANCE THE PROJECT; ACCEPTING A GRANT OF TITLE TO SUCH FACILITY IN THE NAME OF THE STATE OF ALABAMA UPON RETIREMENT OF THE BONDS TO BE ISSUED PURSUANT TO SUCH PLAN; LIMITING THE SOURCE OF FINANCING TO PRIVATE FUNDS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Alabama (the "Legislature") recognizes the need to utilize additional financial resources to meet the needs of the State highway, bridge and transportation system, including the use of toll and private financing to create new facilities or improve existing transportation facilities; and

WHEREAS, the Legislature of the State of Alabama is advised by representatives of Alabama Toll Facilities, Inc. (the "Corporation"), that the Corporation is organized and existing under and pursuant to the provisions of the laws of the State of Alabama and intends to provide for the construction of a four-lane, limited access toll road from U.S. Highway I-65 northerly for a distance of approximately 41 miles to the

Tennessee River, and construction of a four-lane toll bridge across the Tennessee River connecting roadways within the City of Huntsville to Cullman County and points South ("Project"), said Project constituting the first phase of a roadway intended to access the Alabama coast; and

WHEREAS, the Corporation has further advised the Legislature that it intends to organize and operate as a non-profit corporation organized pursuant to Section 501(c)3 of the Internal Revenue Code in order to finance the cost of acquisition and construction and equipping of the Project and the Corporation deems it advisable to borrow money and to issue its Alabama Toll Facilities, Inc., Revenue Bonds (the "Bonds") and to mortgage and pledge as security for the Bonds, the Corporation's interest in the property comprising the Project and the revenues to be derived from the operation thereof; and

WHEREAS, it is the intent of the Corporation and the Legislature that the Project be financed by the Corporation without the use or pledge of any State of Alabama funds or federal funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING:

Section 1. This Resolution shall be entitled "Construction of the Huntsville Toll Bridge and Highway Project."

Section 2. The purposes and activities of the Corporation, particularly the financing, construction, acquisition and operation of the Project, including issuance of the Bonds, subject to subsequent approval of the Bond documents and other conditions and restrictions are approved as set forth herein.

Section 3. The Bonds must be special obligations of the Corporation payable from revenues of the Project, secured by a mortgage on the Corporation's interest in the Project and an assignment of the revenues to be derived from the operation thereof, all as must be provided in accordance with the terms of the Indenture of Mortgage and Trust which must be executed by and between the Corporation and a trust company or bank having trust powers.

Section 4. The proceeds from the sale of the Bonds shall be used only for the specific corporate purpose of providing funds for the financing of the cost of the Project and the payment of the expenses of developing the Project and issuing the Bonds, and the Corporation may not make and must not make any profit by reason of any business or venture in which it may engage or by reason of the acquisition of the Project and its subsequent operation, and no part of the net earnings of the Corporation, if any, will inure to the benefit of any private person, firm or corporation and must be retained by the Corporation for lawful corporate use.

Section 5. The transaction must contemplate and provide an arrangement whereby all of the right, title and interest of the Corporation in and to all the real and personal property constituting the Project shall vest in the State upon retirement of the Bonds.

Section 6. The Corporation has requested the Legislature to state its intentions with respect to the Project in order to induce them to proceed with such Project and incur expenses for its initiation and its financing. The Legislature recognizes that this plan of financing the Project and the State's acceptance of title to the Project upon retirement of the Bonds will qualify such Bonds as tax-exempt governmental obligations for purposes of the Internal Revenue Code of 1986 as amended, which will result in a reduction of the interest expenses of the Corporation with respect to financing the Project. The condition that the State, through the Legislature of the State of Alabama, accept title to such facilities, in accordance with the terms hereof, upon retirement of the Bonds is an important factor under consideration by the Corporation and their advisors in determining the financing feasibility of the proposed Project, said financial feasibility to first be determined before the commencement of the Project.

Section 7. In order to induce the Corporation to locate and establish the Project in the area of operation of the State and incur expenses for the initiation of the Project and its financing, the Legislature, in accordance herewith, hereby authorizes and designates the Corporation as the exclusive entity for the accomplishment of the purposes set forth herein and consents to accept title in the name of the State of Alabama to the real and personal property constituting the Project upon retirement of the Bonds to be issued by the Corporation to finance the cost of the acquisition and construction of the Project, provided receipts from the Bonds sold provide sufficient sums of money to finance the cost of the complete acquisition and construction of the Project and that the money is so used.

Section 8. Nothing herein contained shall be construed to create any obligation, direct, indirect or contingent, on the part of the Sponsor to pay any part of the cost of the Project, or any expense of the operation of the Project or of such financing, or to pay the principal of and/or interest on any such proposed Bonds, or to operate and maintain the Project either in the event of default or failure by the Corporation or at such time as the transfer of the Project to the Sponsor shall become absolute.

Section 9. This Resolution shall become effective immediately upon its adoption.

Adopted this ___ day of ___, 1993.

[Signature Blocks]

[Certification]

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 459, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF HB 845

The Senate proceeded to further consideration of the Bill, HB 845, as amended. The question was on the Bailey amendment No. 2.

On motion of Senator Lindsey, said amendment was laid on the table.

Senator Bailey then offered the following amendment No. 3 to the Bill, HB 845, as amended by the substitute, as amended, to-wit:

AMENDMENT NO. 3 TO HB 845, AS AMENDED

Section 3(a)(3)c beginning at line 18, page 6 and ending at line 26, page 8 is deleted and the following added:

"c. The tax imposed at the rate specified in paragraph a. of this subdivision (3) shall be reduced by the following credits for certain economic development activities pursued in the State of Alabama.

1. Alabama Insurance Offices Facilities or Alabama Payroll Credit.

A. For each office owned or leased by an insurer in the State of Alabama and used for insurance operations, an insurer shall be entitled to a credit against the tax imposed by paragraph a. of this subdivision (3) according to the following schedule:

<u>Number of Full Time Employees in Office</u>	<u>Credit as a % of Premiums Taxable Under Paragraph a.</u>
1 - 3	0.0025%
4 - 10	0.0050%
11 - 50	0.0075%
51 or more	0.0100%

~~The total credit allowable for Alabama insurance office facilities shall not exceed one percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).~~

or:

B. There shall be allowed a credit based on the percentage which the amount paid by the insurer in salaries to employees located or based within this state bears to the total salaries of all employees of the insurer. If the amount of said salaries equals at least 50 percent of the total salaries of all employees of the insurer, the insurer shall be entitled to a credit of 0.30 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). Should said percentage equal at least 60 percent, but less than 65 percent, the insurer shall be entitled to a credit of 0.65 percent. Should said percentage equal 65 percent or more, the insurer shall be entitled to a credit of 1 percent. For the purposes of paragraph B. of this subdivision;

(i) The term "salaries" does not include amounts paid as commissions.

(ii) The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Alabama Insurance Code.

C. The total credit allowable under this Section 3(a)(3)(c).1 shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

2. ~~Alabama Real~~ Property Investment Credit.

A. For each one million dollars (\$1,000,000) in value of real property investments in the State of Alabama, an insurer shall be entitled to a credit of 0.10 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). ~~The total credit allowable for Alabama real property investments shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).~~

(i) Alabama real property investments which qualify for the Alabama real property investment credit include any improved Alabama real property owned by the insurer or an affiliate of the insurer on January 1, 1993, and any unimproved Alabama real property acquired or new construction placed in service on or after January 1, 1993, by the insurer or an affiliate of the insurer.

(ii) For purposes of determining the Alabama real property investment credit, Alabama real property investments shall be valued at cost and not at book value or fair market value. The cost of capital improvements to existing Alabama real property investments, such as the renovation of shopping centers, hotels, or other buildings, completed and placed in service by the insurer or an affiliate of the insurer on or after January 1, 1993, shall be considered an Alabama real estate investment.

(iii) For purposes of determining the value of Alabama real property investments, funds borrowed to finance Alabama real property investments shall be subtracted from cost so that only the net cost in the investment properties borne from assets belonging to the insurer or an affiliate of the insurer qualifies of the Alabama real property investment credit. The cost of debt-financed Alabama real property investments of an insurer shall be increased pro tanto as the underlying debt is paid off by the insurer or an affiliate of the insurer.

(iv) The Alabama real property investment credit shall not be allowed for properties in the State of Alabama used in an insurer's insurance operations and for which the Alabama insurance office facilities credit is allowed or allowable, without regard to the 1 percent limitation on the credit. However, the cost of real property owned in the State of Alabama and used in part as an Alabama real property investment and in part for the insurer's insurance operations shall be allocated on a square-foot basis so that the cost allocated to that portion of the property not used for insurance operations shall qualify for the Alabama real property investment credit.

(v) Mortgages held by an insurer that are secured by real property located in the State of Alabama shall not be considered Alabama real property investments for purposes of the Alabama real property investment credit; or

B. There shall be allowed a credit based on the percentage which an insurer's Alabama investments, as defined in this section, bears to the insurer's total admitted assets. Should an insurer's Alabama investments constitute at least 10 percent of its total admitted assets, the insurer shall be entitled to a credit of 0.35 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). Should said percentage equal 15 percent, but less than 20 percent, the insurer shall be entitled to a credit of 0.70 percent. Should said percentage equal 20 percent or more, the insurer shall be entitled to a credit of 1 percent. Alabama investments as used in this subsection B. shall mean any of the following investments:

(i) Real estate in this state;

(ii) Bonds or interest-bearing warrants or other evidences of indebtedness of the state of Alabama or of any county, city, town, school district, state educational institution, municipality or other subdivision of this state, or of any duly authorized agency, board or authority of the state of Alabama or of any political subdivision thereof whether such agency, board or authority now exists or is hereafter created;

(iii) Stocks, bonds or other evidences of indebtedness of any housing or redevelopment authority organized under the Housing Au-

thorities Law or Redevelopment Law of the state of Alabama, as from time to time established and amended;

(iv) Notes or bonds secured by mortgages or other liens on real estate or on leasehold interests in real estate in the state of Alabama;

(v) Stocks, bonds, debentures, notes or other evidences of indebtedness of any corporation organized under the laws of the state of Alabama;

(vi) Notes, debentures or other evidences of any indebtedness of any business operated as a sole proprietorship, partnership or other legal entity having its principal office and place of business in the state of Alabama;

(vii) Notes, bonds or other evidences of indebtedness secured by mortgage or other lien upon real estate situated in the state of Alabama and insured or guaranteed, in whole or in part, by the United States or any agency or instrumentality thereof, together with any bonds, debentures or other evidences or indebtedness of the United States or any agency or instrumentality thereof received and retained in whole or partial settlement of any such insurance or guaranty;

(viii) Collateral loans to Alabama residents or to others where at least one half of the value of the collateral so pledged constitutes an Alabama investment as defined in this section;

(ix) Cash deposits in regularly established national or state banks in this state on the basis of the average monthly deposits throughout the calendar year;

(x) Loans secured by policies on the lives of residents of the state of Alabama.

(xi) Share or share accounts of building and loan associations organized under the laws of the state of Alabama or in the share or share accounts of federal savings and loan associations having their principal office in the state of Alabama;

(xii) Stocks, bonds, notes, debentures or other evidences of indebtedness of any corporation organized under the laws of any other state of the United States, to the extent that the assets of such corporation located in the state of Alabama bear to the total assets of the corporation issuing such stocks, bonds, notes or other evidences of indebtedness;

(xiii) Stocks, bonds, notes or other evidences of indebtedness issued by railroad companies, public carriers or transportation companies, to the extent that its trackage or mileage in Alabama bears to the

total trackage or mileage of such railroad, public carrier or other transportation company;

(xiv) That percentage of such insurer's investments in stocks, bonds, notes or other evidences of indebtedness of any telegraphs, telephone, electric power company or other public utility to the extent that the revenue of any such company from Alabama bears to the total of such telegraph, telephone, electric power company or other public utility, and

(xv) That percentage of the insurer's investments held as of December 31, in direct obligations of the United States of America as the total premiums received by the company for direct insurance of subjects located, resident or to be performed in Alabama relate to the total premiums received by the insurer.

C. The total credit allowable under this Section 3(a)(3)(c)2 shall not exceed 1% of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

Also:

S. 618. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

Also:

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 612. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 483. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 845

The Senate proceeded to further consideration of the Bill, HB 845, as amended. The question was on the Bailey amendment No. 3.

On motion of Senator Lindsey, said amendment was laid on the table.

And said Bill, HB 845, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 850

We, the Committee on Conference, appointed to reconcile the

difference between the two houses concerning House Bill 850, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
BILL FULLER,
JIMMY HOLLEY,

Conferees on the Part of the House.

WALTER OWENS,
PAT LINDSEY,
DON HALE,

Conferees on the Part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 850

**A BILL
TO BE ENTITLED
AN ACT**

To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Sections 22-6-60, 22-6-61, 22-6-62, 22-6-63, and 22-6-64, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 2. (a) Sections 40-26B-40, 40-26B-41, 40-26B-42, 40-26B-43, 40-26B-44, 40-26B-45, 40-26B-46, and 40-26B-47, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 3. (a) For the purposes of this section the following

words have the following meanings unless the context clearly indicates otherwise:

(1) **DISPROPORTIONATE SHARE HOSPITAL.** A hospital meeting the requirements of Section 1923 of the Social Security Act and other criteria adopted by the Alabama Medicaid Agency in its state plan for medical assistance under Title XIX of the Social Security Act.

(2) **FISCAL YEAR.** An accounting period of 12 months beginning on the first day of the first month of the state fiscal year.

(3) **HOSPITAL.** A facility, which is licensed as a hospital under the laws of the State of Alabama, provides 24-hour nursing services, and is primarily engaged in providing, by or under the supervision of doctors of medicine or osteopathy, inpatient services for the diagnosis, treatment, and care or rehabilitation of persons who are sick, injured, or disabled.

(4) **PUBLICLY-OWNED HOSPITAL.** A hospital created and operating under the authority of a governmental unit which has been established as a public corporation pursuant to Chapter 21 of Title 22 or Chapter 95 of Title 11, or a hospital otherwise owned and operated by a unit of local government.

(b) Any disproportionate share payment due a hospital shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama Medicaid Agency within 30 days of the due date, interest on the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

(c) In meeting its requirements under the Social Security Act that payments to hospitals will take into account the situation of disproportionate share hospitals, the agency shall, not later than the beginning of each fiscal year, promulgate regulations establishing the total amount of funds to be appropriated for each fiscal year by the agency for reimbursement, in accordance with its approved methodology, to disproportionate share hospitals other than state-owned teaching hospitals. In no event shall the total amount of funds appropriated for reimbursement to disproportionate share hospitals in accordance with and subject to the approved methodology be less than the disproportionate cap established by the Health Care Financing Administration.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 850, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 850, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Owens, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 850, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. George Walker to the University of Montevallo Board of Trustees

On motion of Senator Hale, the appointment of Mr. Walker was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Michael E. Stephens to the University of Montevallo Board of Trustees

On motion of Senator Hale, the appointment of Mr. Stephens was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mrs. Earl Goodwin to the University of South Alabama Board of Trustees

On motion of Senator Hale, the re-appointment of Mrs. Goodwin was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Bob Kennamer to the Jacksonville State University Board of Trustees

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On motion of Senator Hale, the re-appointment of Mr. Kennamer was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Pete Matthews to the Jacksonville
State University Board of Trustees

On motion of Senator Hale, the re-appointment of Mr. Matthews was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. James Thornton, Sr., to the Jacksonville
State University Board of Trustees

On motion of Senator Hale, the re-appointment of Mr. Thornton was confirmed by the Senate.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee,

Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens,
Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

FURTHER CONSIDERATION OF SB 558

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the Bill:

S. 558. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Sixth Legislative Day.

And said Bill, SB 558, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 3

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Little, Mitchell, Parsons, Smith (B), and Waggoner -18

Nays:

Senators:

Barron, Sanders, and Windom - 3

On motion of Senator Bedsole, the provisions of Rule 35(b) were suspended to allow transmittal to the House, of the Bill, SB 558.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 669, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 669. Relating to Covington County; amending Act No. 86-703, S. 17, 1986 1st Special Session, as amended, which authorizes the county commission to levy a sales tax, to alter the distribution of the proceeds from the tax.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Foshee, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 669.

FURTHER CONSIDERATION OF SB 660

The Senate proceeded to further consideration of the Bill:

S. 660. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

having been postponed on the Twenty-Sixth Legislative Day, was taken up.

And said Bill, SB 660, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

On motion of Senator Campbell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 660.

RESOLUTION

Senator Escott-Russell offered the following Senate Joint Resolution, to-wit:

SJR 134. ESTABLISHING AN ADVISORY COMMITTEE TO STUDY MASS TRANSIT AND PARATRANSIT NEEDS IN URBAN AND RURAL AREAS.

WHEREAS, there is a need for the Legislature to identify mass transit and paratransit needs in urban and rural areas; and

WHEREAS, the Legislature desires to establish an advisory committee to assist the Legislature in the evaluation of public transportation needs in the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established an advisory committee on public transportation. The committee shall be composed of the following members:

(1) Three members of each house appointed by the presiding officer of each house.

(2) Four members who are representatives from public transit systems in this state to be appointed by the Alabama Transit Association.

(3) One member who is a representative of the Governor's Office of Minority Affairs.

(4) One member who is a representative of the Alabama Development Office.

(5) One member who is the State Highway Director.

(6) One member who is the Director of Finance for the State Highway Department.

(7) One member who is a representative of the Governor's Americans With Disabilities Coordinating Office.

(8) One member who is a representative of the Director of the Alabama Department of Aeronautics.

(9) One member who is a representative of the Public Service Commission.

The committee shall perform the following functions:

(1) Identify and evaluate mass transit and paratransit needs in urban and rural areas of the state.

(2) Identify appropriate actions to address and recommend appropriate responses by the Legislature, Governor, and local planning organizations that have responsibility for planning transit services.

The committee shall meet as soon as practicable after the adjournment of the 1993 Regular Session of the Legislature and shall select from among its members a chair and vice chair. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the first legislative day of the 1994 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Nonlegislative members of the committee shall not be entitled to compensation, mileage, or per diem expenses for service on the committee. The compensation and expenses of the members shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. The total expenditures of the committee shall not exceed ten thousand dollars (\$10,000).

On motion of Senator Escott-Russell, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 763, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 763. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, HB 763, to-wit:

SUBSTITUTE FOR HB 763**A BILL
TO BE ENTITLED
AN ACT**

Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The provisions of this act shall apply to Lawrence County.

Section 2. The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of the county.

Section 3. For the purposes of this act the following words shall have the following meanings:

(1) **Commercial Building.** Any building that houses one or more separate business enterprises that purchase and display a business license applicable to the business enterprise. In the case of a commer-

cial building with more than one business located in the building, a separate fee shall be assessed on the building for each business located in the building, but in no case shall a fee be assessed more than one time on the same space.

(2) Dwelling. Any building, structure, or other improvement to real property used for, or expected to be used as, a dwelling or residence for one or more human beings, including specifically but not limited to: (a) any building, structure, or improvement assessed, for purposes of state and county ad valorem taxation as single-family owner-occupied residential property; (b) any other residential building with each residential unit to be considered a separate dwelling; or (c) any mobile home or house trailer.

Section 4. The governing body of Lawrence County is authorized, in its discretion, to levy, in addition to any and all taxes or fees levied prior to the effective date of this act, a fee in the amount of twenty-five dollars (\$25) per year on each dwelling and commercial building in Lawrence County.

Section 5. The fee provided in this act shall be levied, collected, administered, and enforced as closely as possible at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. Any exemption of property from ad valorem tax shall be recognized in determining whether the fee provided by this act is due. The officials collecting or assessing the fee shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the fee shall be paid into the county general fund. Within thirty days after payment into the county general fund, the county governing body shall pay the funds to the Lawrence County Firefighters and Rapid Responders, Inc., hereafter referred to as the county association. The county association shall distribute the funds among all eligible volunteer fire departments as follows:

(1) Fifty percent of the money shall be divided equally among all eligible volunteer fire departments.

(2) Fifty percent of the money shall be divided according to a percentage based upon the number of owners of dwellings and commercial buildings in a fire district compared to the total number of owners of dwellings and commercial buildings in the county as a whole. The county association may establish rules and procedures regarding the transfer, accounting, and handling of the funds, and the assessing of administration costs.

Section 6. In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be certified under the Alabama Forestry Commission guidelines and a member in good

standing of the Lawrence County Firefighters and Rapid Responders, Inc.

Section 7. Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including training, supplies, buildings, capital improvements, equipment, insurance, professional services, and dues. The funds shall not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds and whether any unspent funds have been obligated. Unspent funds that have not been obligated which exceed the amount of total receipts paid to the department for the prior year from this fee shall be returned to the county association for redistribution as provided in Section 5. The county association shall supply the accounting forms to each eligible volunteer fire department. A copy of the year-end report shall also be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Section 8. Upon the dissolution or abandonment of any eligible volunteer fire department, any remaining funds derived from this act or any assets purchased with any funds derived from this act shall be transferred to the county association.

Section 9. The personnel of volunteer fire departments and emergency medical technicians that are members of volunteer fire departments funded as provided for in this act shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and emergency medical technician units.

Section 10. In the event the county governing body levies the fee authorized by this act, the fee shall continue to be levied only if approved by a majority of the qualified electors of the county voting at a referendum election held at the next general election following the levy of the tax. The question shall be substantially as follows: "Do you favor the continuation of the fee levied pursuant to Act No. __ of the 1993 Regular Session of the Alabama Legislature? Yes__ No__." The judge of probate of the county shall place the question on the ballot.

If a majority of the votes cast in the election are "Yes," this act

shall remain in effect. If a majority of the votes cast are "No," this act shall have no further effect, and the fee shall not be collected for the tax year of the election or thereafter.

In the event the county governing body does not levy the fee authorized by this act, the fee shall only be levied if the levy of the fee is approved by a majority of the qualified electors of the county voting at a referendum election held for that purpose at the next general election following the effective date of this act. The question shall be substantially as follows: "Do you favor the levy of a fee for fire protection and emergency medical service pursuant to Act No. ___ of the 1993 Regular Session of the Alabama Legislature? Yes ___ No ___." The judge of probate of the county shall place the question on the ballot.

If a majority of the votes cast in the election are "Yes," this act shall remain in effect. If a majority of the votes cast are "No," this act shall have no further effect.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

And said Bill, HB 763, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon,

Ellis, Figures, Floyd, Foshee, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 727, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 727. Relating to Shelby County; to establish a civil service system and provide for classified services; to establish a personnel board and provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; to exempt the chief clerks in the offices of the judge of probate, the tax collector, and the tax assessor from the civil service system and the classified services; and to provide penalties.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 727, to-wit:

AMENDMENT TO HB 727

On page 16, line 28, after the word "collector" insert the following:

and who received more than 50 percent of their total county compensation from such fund

On page 16, line 31, after "(a discretionary fund of the judge of probate)" insert the following:

and who received more than 50 percent of their total county compensation from such fund

Which was adopted.

Yeas 25 Nays 0

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27th Day**

1893

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Wilson, and Windom -25

Nays: - 0

And said Bill, HB 727, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 839. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 170. Amending Section 22-21-263 of the Code of Alabama

1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 850. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 610, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Dixon,

Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 610. Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 610, to-wit:

AMENDMENT TO HB 610

Amend HB 610, Page 2, Section 3, Subsection (3), Line 21, after the words "he or she" by deleting the word "exists" and inserting in lieu thereof "exits".

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Sanders, Smith (B), and Wilson -25

Nays: - 0

And said Bill, HB 610, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 66, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 66. Relating to Morgan County; amending Act No. 78-742, as amended by Act No. 80-276 so as to further define the terms "sale" and "sales" and to provide for the collection of the special county privilege license tax levied by said acts by the Morgan County Commission instead of the State Department of Revenue.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 66, to-wit:

AMENDMENT TO HB 66

Amend HB 66, Section 1, Page 2, line 26 by adding the following sentence after the word "area.":

"Provided, however, that any such transactions arising out of or pursuant to contracts entered into prior to the effective date of this Act shall not constitute a 'sale' or 'sales' as defined herein."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

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27th Day**

1897

And said Bill, HB 66, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 758, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Smith (J)
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 758. To authorize the County Commission of Bibb County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated in Bibb County, the special ad valorem tax for necessary public buildings, bridges, and roads which is authorized in Section 215 of the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy may be used only for the acquisition, construction, maintenance, and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis,

Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 755, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 755. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Ghee, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 745, adopted.

Yeas 25 Nays 0

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1899

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Parsons, Sanders, Smith (B), and Waggoner -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 745. Relating to Sumter County; providing for the expense allowance and travel allowance for the county coroner, payable from county funds and repealing Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), relating to the coroner's compensation; and making the provisions retroactive to December 1, 1992.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 743, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Foshee, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 743. Relating to Marengo County; specifically providing for

a mileage allowance for the Coroner of Marengo County by amending Section 1 of Act No. 92-491, H. 827, 1992 Regular Session.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 742, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 742. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 728, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Corbett, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 728. Relating to Shelby County; providing for additional costs and charges in all Circuit and District Court cases and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of moneys in these funds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 711, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 711. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a cable television system and to furnish cable television to the residents of the city and to customers in the surrounding territory; prescribing its powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting the service from the regulation and control of the Alabama Public Service Commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 689, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 689. Relating to Jackson County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax for a new

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1903

county jail; prescribing penalties and fixing punishment for violation of this act; providing for an advisory referendum; and providing for a termination date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Owens, Parsons, Smith (B), Smith (J), Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 656, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 656. Relating to Jackson County; to amend Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234) relating to the system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate, to provide that the special indexing fee shall be for the use of the Judge of Probate.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Ghee, Langford,

Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B),
Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 617, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton,
Dial, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn,
Langford, Lindsey, Lipscomb, Little, Owens, Smith (B), Smith (J),
Waggoner, and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 617. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Dial, Dixon,
Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey,
Lipscomb, Little, Owens, Sanders, Smith (B), Smith (J), and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 614, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial,

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1905

Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 614. Relating to Lamar County; to require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; and to provide that the system shall constitute official and permanent records in Lamar County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R, HB 603, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 603. Proposing an amendment to Amendment No. 493 to the

Constitution of Alabama of 1901, pertaining only to Autauga County, to provide further for the compensation of the Judge of Probate.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 602, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 602. Relating to Autauga County; providing further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 584, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 584. Relating to Cullman County; providing further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 580, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 580. Relating to Franklin County; providing for the in-

corporation of the Franklin County Water Service Authority as a public corporation for the purpose of furnishing water service in a service area that may be extended into one or more other counties by amendment to the certificate of incorporation; providing for the appointment, election, and compensation of directors of the authority; providing for the powers, authorities, and duties of the authority and its board of directors; providing for the establishment, revision, and collection of charges for water facilities or services rendered by it; providing for the assumption by the authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; authorizing any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state to aid and cooperate with, lend, or donate money to, perform services, or transfer any water facility, or other property or asset to the authority; providing that the rendition by the authority of those services or facilities is a governmental function; exempting the authority from all tort liability in connection with water services or facilities; exempting the authority, its property, corporate activities, income, revenues, and securities from all taxation in this state and from the payment of certain charges to Judges of Probate; providing for the use of public roads in the state by the authority; providing for the dissolution of the authority and the disposition of its property; providing for auditing; providing that funds of the authority may be used to aid in applying for available grants; specifically abolishing existing authorities; and specifically repealing Act No. 88-914, S. 222, 1988 Regular Session (1988 Acts, p. 492.)

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lipscomb, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 532, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell,

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1909

Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 532. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Geneva in Geneva County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 497, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 497. Relating to Jackson County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 489, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 489. Relating to Cherokee County; providing for an additional expense allowance and salary for the coroner and an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 463, adopted.

Yeas 25 Nays 0

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27th Day

1911

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 463. Relating to Shelby County, repealing Act 92-225 and Act 92-400 of the 1992 Regular Session, both of which permitted persons engaged in certain real estate businesses to serve on certain planning, zoning, or subdivision boards or commissions.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Parsons, Sanders, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 461, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 461. Relating to the City of Sheffield in Colbert County; to amend Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989,

p. 247), relating to declaring certain items a public nuisance, to correct a citation and to require the time and location of a meeting regarding the declaration be specified on the posted notice.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R, HB 416, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 416. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton,

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1913

Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 389, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 389. Relating to Marshall County; authorizing the sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; and providing for the disposition of the net revenues generated from the sale.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 388, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,

Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 388. Relating to Marshall County; establishing a sheriff reserve within the county sheriff's department.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 373, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 373. Relating to Jackson County; requiring certain county-owned motor vehicles to be marked in a certain manner for identification purposes and to provide penalties for violations of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

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27th Day**

1915

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 305, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 305. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Owens, Parsons, Sanders, Smith (B), Smith (J), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 221, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 221. Relating to Washington County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 220, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 220. Relating to Washington County; providing for additional expense allowance and salary for the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

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1917

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 45, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Smith (B), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 45. Relating to the City of Attalla; amending Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, relating to the city board of education, to provide for the election of the chair and vice-chair of the board annually and to increase the compensation of the board from \$100 per month to \$300 per month.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 38, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Floyd, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 38. Relating to Tallapoosa County; amending Section 1 of Act No. 92-493, H. 708 of the 1992 Regular Session, relating to the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, to correct the range description.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 12, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 12. Relating to Washington County; to alter, rearrange, and

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1919

extend the boundary lines and corporate limits of the municipality of Chatom in Washington County, Alabama.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 8, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 8. Providing for the establishment of a merit system for the county law enforcement officers, radio operators, jailers and law enforcement support personnel in Fayette County; and providing for a merit system board governing the removal and official conduct of such county employees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Ellis, Escott-Russell, Figures, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Wilson
-25

Nays:

- 0

1920

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BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 852, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 852. Relating to Chambers County; providing further for the compensation of the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 848, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 848. Relating to Cullman County; authorizing the county

commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act and providing for a referendum on this act.

was taken up.

Senator Hale offered the following substitute for the Bill, HB 848, to-wit:

SUBSTITUTE FOR HB 848

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Cullman County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; and prescribing penalties and fixing punishment for violation of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply to Cullman County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Cullman County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one-cent privilege license tax against gross sales or gross receipts. Notwithstanding the foregoing, the amount of the tax authorized to be levied pursuant to this act upon each person, firm, or corporation engaged in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, and any parts of such machines or any motor vehicle, truck trailer, semitrailer, or house trailer shall be one-half of one percent of the sales price. Provided, however, when any used motor vehicle, truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by the county commission pursuant to this act shall be collected by the State Department of Revenue or otherwise as provided by resolution of the Cullman County Commission at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied pursuant to this act, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied pursuant to this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied pursuant to this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied pursuant to this act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied pursuant to this act shall constitute a debt due Cullman County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied pursuant to this act and to enforce this act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Cullman County.

Section 7. All provisions of the state sales and use tax statutes

with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied pursuant to this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied pursuant to this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied pursuant to this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Cullman County for collecting the tax levied pursuant to this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Cullman County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Cullman County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Cullman County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Cullman County in an amount equal to the certified amount which shall be paid into the county general fund to be used as follows:

- (1) Forty percent to the county general fund.
- (2) Forty percent to the governing body of the City of Cullman.
- (3) Twenty percent to the municipalities in the county, excluding the City of Cullman, on a pro rata basis, based upon the percentage that the population of each municipality bears to the total population of the municipalities in the county, excluding the City of Cullman.

Section 9. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Hale, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, HB 848, as amended by the substitute, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 844, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 844. Relating to Montgomery County; pertaining to the Retirement System for Employees' of Montgomery County, to amend Section 4 of Act No. 356 of the Legislature of Alabama of 1973 to provide for employees with prior employment with the State of Alabama or subdivision thereof to purchase credit in the Retirement System for Employees' of Montgomery County; and to allow those county employees who, but for Section 3 of Act No. 176 of the 1959 Regular Session of

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the Alabama Legislature, would have contributed to the Retirement System for Employees' of Montgomery County to pay the amount not deducted plus interest and thereby receive credit for membership in the Retirement System for Employees' of Montgomery County for the period of time when such monies were not contributed.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 843, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 835, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried,
Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill,
Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner,
and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:****H. 835.** Relating to Morgan County; providing for an additional
expense allowance and salary for the coroner.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried,
Denton, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn,
Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (B),
Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 834, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Dixon,
Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb,
Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B),
Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:****H. 834.** Relating to Morgan County; providing further for the
compensation of poll workers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 828, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 828. Relating to Henry County; providing for additional court costs in all criminal and civil cases other than small claims court, with the proceeds to be placed in a fund to be used to build a new county jail.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 825, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 825. To propose an amendment to the Constitution of Alabama of 1901, relating to Covington County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to the fire departments and to the rescue squads; providing for expenditure and accounting of the funds; providing for treatment of funds upon dissolution or abandonment of a fire department or rescue squad; granting immunity from certain liability to the county and providing for a referendum election on the amendment.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 823, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 823. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Argo in St. Clair County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Lindsey, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 822, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 822. To amend Section 3 and 4 of Act No. 92-248, H. 552, 1992 Regular Session (Acts 1992, Act No. 92-248, p.602), to provide that candidates for the Board of Education for the City of Pell City, Alabama, shall have earned a high school diploma or its equivalent and that the initial election of board members be staggered.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Figures,

Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 821, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 821. Relating to Pike County; providing for the election and compensation of the Chair of the Pike County Commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 820, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lindsey, Little,

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Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner,
Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 820. Relating to Pike County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 818, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Campbell, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 818. Relating to Pike County; to provide a salary for the Judge of Probate of Pike County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 816, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 816. Regulating the liquor traffic in Marshall County; providing for certain taxes on alcoholic beverages in any community development district in the county and distributing the proceeds from the taxes.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 815, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 815. Relating to Marshall County; to provide for the appointment, authority, and terms of office of the emergency telephone service board of commissioners.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

Also:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

**GREG PAPPAS,
Clerk.**

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 558. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 813, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 813. To authorize the Morgan County Commission and any municipality located in Morgan County to contract for the administration and enforcement by the Morgan County Commission of any tax or license ordinance enacted by such municipality and the collection of taxes and license fees due thereunder; to provide for compensation for the Morgan County Commission in providing said services; to provide powers and authorities to the Morgan County Commission in administering and enforcing said tax and license ordinances; to provide for severability; and to provide an effective date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried,

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Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Langford, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 799, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), and Windom
-25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 799. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 794, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 794. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 781, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 781. Relating to Houston County; providing for the county

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commission to reimburse the office of license commissioner, judge of probate, or revenue commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 779, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (J), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 779. Relating to Lawrence County; to alter, rearrange, and extend the boundary lines and corporate limits of the Town of North Courtland to cause areas east of and contiguous to existing corporate limits to be included within the Town.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford,

Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J),
Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 777, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett,
deGraffenried, Denton, Dial, Escott-Russell, Figures, Foshee, Ghee,
Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens,
Parsons, Smith (B), and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 777. Relating to Coffee County, to provide a procedure for
handling cases involving invalid checks given for licenses, and the
voiding of the licenses.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Corbett, Denton, Dial, Dixon,
Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey,
Lipscomb, Little, Mitchem, Owens, Parsons, Smith (J), Waggoner, and
Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 776, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell,
deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Horn,

REGULAR SESSION
27th Day

1939

Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons,
Smith (B), and Smith (J) -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 776. To amend Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), relating to Coffee County and providing a special recording fee for documents filed in the office of the judge of probate, to further provide for the distribution of the fee.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 774, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchell, Mitchem, Sanders, Smith (J), and Waggoner -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 774. To authorize the City of Brewton in Escambia County to construct, maintain and operate a cable television service.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial,
Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill,
Lindsey, Little, Mitchem, Owens, Parsons, Smith (J), Wilson, and
Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 767, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton,
Dial, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Langford,
Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J),
Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 767. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brewton in Escambia County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Dial,
Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey,
Lipscomb, Mitchell, Mitchem, Owens, Parsons, Smith (B), Wilson, and
Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 766, adopted.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

1941

Yeas:

Senators:

Amari, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 766. Relating to Escambia County; to repeal Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) of the Legislature of Alabama, providing salaries for the sheriff's deputies and fixing the number of deputies.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 762, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 762. Relating to Escambia County; providing further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 761, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 761. Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 760, adopted.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

1943

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 760. Relating to Lawrence County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county courthouse in a special fund to be used by the sheriff for law enforcement purposes.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 918, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 918. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 905, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 905. Relating to Tallapoosa County; providing for the operation and management of an inmate commissary at the Tallapoosa County detention facility, retroactive to April 7, 1992.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 902, adopted.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

1945

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 902. Relating to Barbour County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 899, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 899. Relating to Coosa County; providing that the judge of

probate shall maintain a general register for certain instruments filed in the office.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 897, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 897. Relating to Coosa County; to repeal Act No. 830, H. 1091, 1969 Regular Session, relating to the compensation of the county solicitor.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, deGraffenried, Dixon, Ellis, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 896, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett,
deGraffenried, Dial, Dixon, Figures, Floyd, Hale, Hill, Langford,
Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B),
Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 896. Relating to Coosa County; to repeal Act No. 285, H. 249, 1965 Regular Session, as amended, relating to the reimbursement of certain expenses of the county solicitor.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Corbett, deGraffenried, Dixon, Ellis,
Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb,
Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner,
Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 895, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried,
Denton, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Langford,
Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J),
Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 895. Relating to Coosa County; to repeal Act No. 946, H. 1752, 1975 Regular Session, relating to the supernumerary status of the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 894, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 894. To amend Act No. 88-387, H. 778, 1988 Regular Session, (Acts 1988, p. 576), relating to Dallas County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee; and to repeal Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), relating to Dallas County, and providing the fee for the issuance of a pistol permit by the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

1949

Yeas:

Sensors:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 893, adopted.

Yeas 25 Nays 0

Yeas:

Sensors:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 893. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Decatur City Board of Education.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Sensors:

Amari, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Window
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 889, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Dial, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 889. Relating to Pickens County; abolishing the office of constable.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Dial, Dixon, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 882, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 882. Relating to Dallas County; providing for certain addi-

**REGULAR SESSION
27th Day**

1951

tional issuance fees on motor vehicle license tags and plates and distributing the proceeds from the additional fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, and Wilson
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 881, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 881. Relating to Clay County; to provide that the county commission may establish and adopt voting centers by resolution.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 878, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee,
Hill, Horn, Langford, Lindsey, Little, Parsons, Sanders, Smith (J),
Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 878. Relating to Tuscaloosa County; to provide the procedure for members of the Tuscaloosa County Board of Registrars to be covered under the Tuscaloosa County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Tuscaloosa County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried,
Denton, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford,
Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B),
Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 877, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon,
Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford,
Lipscomb, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner,
Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 877. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Ghee, Hale, Horn, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 876, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 876. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session, which provides for a civil service system for the city, to provide further for compensation of the board members and the chair of the board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 871, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Waggoner

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 871. Relating to Morgan County; providing that all existing expense allowances for a county commissioner shall be incorporated into his or her salary beginning with the next term of office of the commissioner.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 870, adopted.

Yeas 25 Nays 0

**REGULAR SESSION
27th Day**

1955

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 870. Relating to the Sheriff of Tallapoosa County; providing that the sheriff shall be responsible for the training and supervision of all employees of the office of the sheriff.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 868, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 868. Relating to Bibb County; providing for an additional

special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 867, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 867. Relating to Bibb County; providing for an additional special transaction fee on certain property when it is assessed for ad valorem taxes and providing for disposition of funds from the additional fees.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 862, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 862. Relating to the Fourteenth Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Fourteenth Judicial Circuit.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 861, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 861. Relating to Walker County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work release programs in Walker County; and to repeal conflicting laws.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 860, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 860. Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 856, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 856. Relating to Chambers County; providing for the appointment of the county superintendent of education; repealing Act No. 71, S. 96, 1935 Regular Session, which provided for the election of the county superintendent; and providing for a referendum.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler (With Notice and Proof):

H. 908. Regulating the liquor traffic in Madison County; requiring certain businesses that permit customers to bring alcoholic beverages to the business for on premise consumption to have an Alcoholic Beverage Control Board License.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Butler (With Notice and Proof):

H. 931. Relating to the City of Triana in Madison County; authorizing the governing body to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 931, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

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Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 908 and 931 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler (With Notice and Proof):

H. 930. Relating to the City of Madison in Madison County; authorizing the governing body to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. McDaniel (With Notice and Proof):

H. 981. To amend Section 1 of Act No. 86-564, H. 806 of the 1986 Regular Session (Acts 1986, p. 1151), as amended by Act No. 90-396, S. 589 of the 1990 Regular Session (Acts 1990, p. 554), which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1996; and to provide for an allocation to Marshall County Economic Development Board to employ a director, and to provide for review of the allocation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 981, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. McDaniel (With Notice and Proof):

H. 982. Relating to the merit system for Marshall County and

the manner of cost-of-living pay increases for county employees; amending Section 15 of Act No. 82-206, H. 623 of the 1982 Regular Session (Acts 1982, p. 247), for that purpose; and providing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 982, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Knight (A) and Hill (With Notice and Proof):

H. 993. Relating to law enforcement in Shelby County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 930, 981, 982, and 993 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes (With Notice and Proof):

H. 946. Relating to Talladega County; to authorize the county

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governing body of Talladega County to increase the expense allowance of the Sheriff during the present term of office of the Sheriff; and to establish a commensurate increase in the salary of the Sheriff at the beginning of the next term of office and a termination of the expense allowance at the end of the present term of office of the Sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 946, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Holladay (With Notice and Proof):

H. 974. To amend Sections 2, 4, and 5 of Act No. 91-710, H. 312, 1991 Regular Session (Acts 1991, p. 1378), relating to St. Clair County and providing for the operation of bingo games for prizes or money by qualified organizations for certain purposes, to provide for the definition of a qualified organization, to provide for the annual and special permit fee, and to provide for the collection and distribution of fees for bingo cards.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Layson (With Notice and Proof):

H. 976. Relating to Tuscaloosa County; amending Act No. 56, H. 285, 1953 Regular Session, as amended, to provide further for the county sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**GREG PAPPAS,
Clerk.**

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 991. Relating to Baldwin County; authorizing the county commission to levy an additional ad valorem tax pursuant to Amendment No. 319 to the Constitution of Alabama of 1901, for library purposes; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 991, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 946, 974, 976, and 991 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 157. To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

Also:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R, HB 855, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), and Waggoner
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 855. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 912, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn,

Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (J),
Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 912. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas west of and contiguous to existing corporate limits to be included within the Town.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial,
Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn,
Langford, Lipscomb, Mitchell, Mitchem, Sanders, Smith (B), Smith (J),
Waggoner, Wilson, and Windom -25

Nays: - 0

RECESS

At 6:15 P.M., on motion of Senator Campbell, the Senate took a recess until 6:30 P.M.

At 6:30 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 243. Requiring two- and four-year state institutions of higher education and state vocational and technical colleges to provide information to certain retailers regarding academic materials that will be used in courses offered by the institution or college in the upcoming academic period; and providing that certain amounts of state funding will be denied to any institution or college violating this requirement.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, SB 243, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 243

A BILL
TO BE ENTITLED
AN ACT

Relating to two- and four-year state institutions of higher education and state vocational and technical colleges; to require those institutions and colleges to provide college bookstore retailers a written listing of textbooks, publications, and academic materials that will be used in courses of study offered by the institutions or colleges within two business days of the time the information is supplied to bookstores owned or authorized by the institutions or colleges; create a grievance committee within the institutions and colleges to hear complaints; and require faculty and academic departments to provide written listings of required and optional textbooks, required academic learning materials, and custom publications for all courses taught.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Not later than July 15, 1993, all two- and four-year state institutions of higher education and all state vocational and technical colleges shall, with the input and representation from college bookstore retailers, develop, publish, and implement a plan to ensure that all established college bookstore retailers located in the municipality in which the institution or college is located, shall be provided the same information concerning required and optional textbooks, required academic learning materials, and required custom publications that is provided to any bookstore owned or authorized by the institution.

(b) The plan developed by each institution or college having a bookstore owned or authorized by the institution or college shall:

(1) Ensure that any established college bookstore retailers having retail outlets in the municipality be informed of the method by which they may obtain required and optional textbooks and required academic learning materials. The information shall be provided, upon request, at a central location.

(2) Ensure that textbook information be made available to the college bookstore retailers by a procedure that attempts to give the information to the bookstores owned or authorized by the institutions and

colleges and the college bookstore retailers at approximately the same time, but under no circumstances later than two business days after the time it is provided to the bookstores authorized or operated by colleges or institutions.

(3) Ensure that faculty members of the institution or college provide all information necessary in reproducing customized publications for classroom use. This information shall be provided in bibliographic form that shall include, but not be limited to, the author, title, publisher, editor, ISBN number, if known, and inclusive pages to be reproduced. This custom published biographical information shall be provided in the same manner as textbook information is provided at each institution. College bookstore retailers may purchase and resell course-related publications that are published by the institution or college at a discount if a margin is added to the publication, or at cost if not added to the publication, only if the institution's or college's copyright agreement legally covers such a sale.

(4) Create a grievance committee composed of two persons designated by the president of the institution or college and one person designated by the chair of the local chamber of commerce to hear complaints from the college bookstore retailers concerning the implementation of the plan.

Section 2. To facilitate this act, all faculty members and academic departments shall provide through the established means of the institution or college a written listing of all required and optional textbooks, required academic learning materials, and custom publications for all courses taught.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Mitchell, Owens, Parsons, Sanders, Smith (B), and Waggoner -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has

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passed the following Senate Bill and returns same herewith to the Senate:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding post-secondary education; and permitting the commission to seek supplemental funding.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, SB 95, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 95

Amend SB 95 on page 3, Section 3, line 10 by adding after the word "center." the following:

The functions and services of the post-secondary education communication center shall not duplicate the functions and services provided by the computer articulation program operated by Troy State University.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford, Mitchell, Owens, Parsons, Sanders, Smith (B), and Waggoner -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, SB 97, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 97

Amend SB 97 on page 2, immediately following line 6 by inserting the following new section and renumbering subsequent sections: Section 4. This act does not establish new required courses. The instructional programs required by this act shall be included in existing required courses as determined by the State Board of Education.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, deGraffenried, Denton, Dixon, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom

-20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 421. Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act effective October 1, 1993, and to provide that the act shall continue after October 1, 1998, only if continued by an act of the Legislature.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Mitchell, the Senate concurred in and adopted the following House amendment to the Bill, SB 421, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 421

On page 2, line 2, delete the year "1998" and substitute in lieu thereof the year:

1997

On page 9, line 8, delete the word "shall" and substitute in lieu thereof the word:

may

On page 9, line 11, after the period following the word "persons" add the following sentence:

Any financial assistance provided to individuals or families pursuant to this act based on funds provided by the Department of Mental Health and Mental Retardation shall be made in compliance with rules promulgated by the department.

On page 9, line 14, delete the word "shall" and substitute in lieu thereof the word:

may

On page 10, immediately after Section 5 on line 23, add the following two new Sections 6 and 7 and renumber the remaining sections accordingly:

Section 6. The local, regional, and state plans for individual and family supports developed by each community and regional council and the state support council shall be developed in conjunction with the regional planning process of the Division of Mental Retardation of the Department of Mental Health and Mental Retardation. These plans and accompanying proposed budgets shall be considered by the Commissioner of the Department of Mental Health and Mental Retardation in the department's budget request that is annually submitted to the Governor's office.

Section 7. (a) Nothing contained in this act shall limit, restrict, or alter the provisions of Chapter 51 of Title 22, Code of Alabama 1975, regarding regional mental health programs and facilities.

(b) Nothing contained in this act shall limit, restrict, or alter the provisions of Chapter 50 of Title 22, Code of Alabama 1975.

On page 11, line 17, delete the year "1998" and substitute in lieu thereof the year:

1997

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton,

Escott-Russell, Figures, Floyd, Foshee, Hale, Horn, Langford,
Mitchell, Owens, Parsons, Sanders, Smith (B), and Waggoner -20

Nays:

- 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 135. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Seventh Legislative day only.

	Page
H. 335	121
Employees' and Teachers' Retirement System, retirees and beneficiaries, cost of living incr., provided	
H. 837	196
Commission on Education Reform of 1993, created	
S. 27	15
Elections, campaign contribs., using excess for personal use, prohib., Sec. 17-22A-7 am'd.	
H. 21	74
Taxation, ad valorem tax for fire protection purposes, distrib., consti. amend.	
H. 48	118
Fire protection, ad valorem tax levied, use of proceeds, revolving loan fund for volunteer fire depts., admin. by St. Treasurer, advisory bd., use by St. Fire College	
H. 282	119
Teacher Education Scholarship Loan Program estab., Secs. 16-6A-11 to 16-6A-13, 16-23-18 to 16-23-23 repealed	
H. 652	157
State bd. of ed., membs. indemnified for personal liability	
S. 667	197
Technical and community colleges, replace "trade school" in various laws, composition of cert. advisory bds., transfer of	

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prop., location of colleges, numerous secs. in Titles 16, 25, 31, 32, 34, 36, and 41 am'd.

H. 101 143

Fishing licenses, freshwater, fishing in private pond without a license permitted, Sec. 9-11-53 am'd.

S. 191 32

Forestry and horticulture areas, urban educational and job training program established

H. 93 137

Administrative Procedure Act, rulemaking, time period, legis. review, contested cases, judicial review, petition, parties, standards, discovery and subpoena in contested cases, Secs. 41-22-5, 41-22-6, 41-22-20 through 41-22-23 am'd.

H. 284 55

State Personnel Director, name publication requirement removed, Sec. 36-26-8 am'd

H. 925 152

HIV infected persons, st. health officer req. to provide information re in cert. criminal proceedings, Sec. 22-11A-38 am'd.

H. 337 149

Contractors performing public works contracts, exempt from additional severance, sales and use taxes incurred as a result of tax increases during performance of contract

S. 180 59

Employees' Retirement System, mayors, sheriffs, and cert. other elected co. or mun. officials auth. to participate, consti. amend.

H. 292 139

Medical scholarships and loans, awarded by Medical Scholarship Awards Bd., amt., interest rate, repayment time, service credit, Secs. 16-47-124, 16-47-125, 16-47-126 am'd.

S. 581 131

Murder committed outside a dwelling or while victim is in motor vehicle or the deadly weapon is fired or used within or from a vehicle, capital offenses, Sec. 13A-5-40 am'd.

S. 613

161

Juvenile criminals from age 16, tried as adults for cert. felonies, jurisdiction of juvenile ct.

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., HB 335, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Owens, Parsons, Sanders, and Waggoner

-18

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 335. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

was taken up.

Senator Mitchem offered the following substitute for the Bill, HB 335, to-wit:

SUBSTITUTE FOR HB 335**A BILL
TO BE ENTITLED
AN ACT**

To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase;

and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is provided to each person currently receiving benefits whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retirees or deceased member was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. (a) Commencing October 1, 1993, there is provided to certain persons identified in subsection (b) of this section who are

currently receiving benefits, whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, and to certain beneficiaries of deceased members and deceased retirees who are currently receiving survivor benefits if the effective date of retirement or death for the deceased member or retiree was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree and certain beneficiaries of deceased members and deceased retirees.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retirees option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on Section 36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted in this act shall not apply to any other participants in the Employees' Retirement System.

Section 3. (a) There is appropriated from the Alabama Special

Educational Trust Fund to the Teachers' Retirement System of Alabama twenty million, six hundred and ten thousand, six hundred and forty-four dollars (\$20,610,644) for the fiscal year beginning October 1, 1993.

(b) There is appropriated from the Alabama Special Educational Trust Fund to the Employees' Retirement System thirty eight thousand, three hundred and twenty dollars (\$38,320) for the fiscal year beginning October 1, 1993, to partially defray the costs of this section as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System.

(c) Subsequent appropriations to the teachers' and employees' retirement systems shall be reduced to the amounts necessary to fund the increases in benefits provided in Sections 1 and 2 of this act in the fiscal years that the Legislature funds the cost of the increases.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for the benefits would be impaired by the cost of living increase provided by this act shall not be entitled to receive the increase. Any person who shall subsequently apply for benefits under the Medicaid program and have his or her eligibility to receive benefits impaired by the cost of living increase provided by this act, shall not be entitled to receive the increase subsequent to the date that the member files application for benefits under the Medicaid program.

Section 5. This act is supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to certain retired members of the Teachers' Retirement System and certain retired members of the Employees' Retirement System. Notwithstanding the forgoing, those laws or parts of laws which are in direct conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom

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Nays:

- 0

And said Bill, HB 335, as amended by the substitute, was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., HB 837, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 837. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

was taken up.

Senator Bennett offered the following substitute for the Bill, HB 837, to-wit:

SUBSTITUTE FOR HB 837

A BILL TO BE ENTITLED AN ACT

To create the Alabama Commission on Education Reform of 1993;

to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created and established a special commission to be known as the Alabama Commission on Education Reform of 1993, which shall have the powers, duties, and authority provided in this act. As used in the act, "commission" means the Alabama Commission on Education Reform of 1993.

The commission is created for the purpose of ensuring the full and complete compliance, at the earliest practicable time, with the findings, conclusions of law, and judgment in the consolidated legal proceedings styled Alabama Coalition for Equity, Inc. v Hunt, CV-90-883-R and Harper v Hunt, CV-91-117-R, in the Circuit Court of Montgomery County, Alabama, in order to provide all schoolchildren in the state with substantially equitable and adequate educational opportunities in the public schools, including appropriate instruction and special services for children with disabilities, all as set forth in the order of the Circuit Court dated March 31, 1993.

Section 2. (a) The commission shall consist of the following members:

- (1) The Governor, or the designee of the Governor.
- (2) The Lieutenant Governor or presiding officer of the Senate, or a member of the Senate as the designee of the Lieutenant Governor.
- (3) The Speaker of the House of Representatives, or a member of the House of Representatives as the designee of the Speaker.
- (4) The Chair of the Senate Committee on Education.
- (5) The Chair of the House Committee on Education.
- (6) The Chair of the Senate Committee on Finance and Taxation.
- (7) The Chair of the House Committee on Ways and Means.
- (8) The State Superintendent of Education.
- (9) Four persons appointed by the Governor, one of whom shall be a classroom teacher.
- (10) Four persons appointed by the Lieutenant Governor or

presiding officer of the Senate, one of whom shall be a classroom teacher.

(11) Four persons appointed by the Speaker of the House of Representatives, one of whom shall be a classroom teacher.

(12) One person appointed by the Alabama Education Association.

(13) One person appointed by the Alabama Association of School Boards.

(14) One person appointed by the Alabama Council for School Administration and Supervision.

(15) One person appointed by the A+ Research Foundation.

(16) One person appointed by the Alabama League of Municipalities.

(17) One person appointed by the Association of County Commissions of Alabama.

(18) One person appointed by Alabama Arise, Inc.

(19) One person appointed by the Alabama Congress of Parents and Teachers, Inc., known as the Alabama PTA.

(20) Two persons appointed by the Alabama Association of School Administrators, one of whom shall be a superintendent of a poorer school system and one of whom shall be a superintendent of a wealthier school system.

(21) The Vice President of the State Board of Education, or the designee of the Vice President of the State Board of Education.

(22) The Chair of the Council of University Presidents, or the designee of the Chair.

(23) The Chair of the Two-Year College President's Association, or the designee of the Chair.

(24) One person appointed by the Alabama Disabilities Advocacy Program.

(b) At least one appointment of the Governor, the Lieutenant Governor or presiding officer of the Senate, and Speaker of the House, respectively, shall be black. It is the intention of the Legislature that

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when making other appointments to the commission, gender and the ethnic, cultural, and geographic diversity of the state be considered.

(c)(1) The appointments provided for shall be made by the individual or entity entitled to make the appointments by designating the appointee to the Superintendent of Education within 15 days after this act becomes effective. A copy of all appointments shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) If an individual or entity entitled to make an appointment fails to do so within the 15-day period, the individual or entity shall forfeit the right to appoint the member and the commission shall consist of the members properly appointed under this act.

(3) Each person appointed shall promptly file a written notice of acceptance of the appointment with the State Superintendent of Education, with a copy to the Secretary of the Senate and to the Clerk of the House of Representatives.

(4) If a member of the commission dies, resigns, or otherwise is unable to serve at any time, the individual or entity that originally appointed the member may appoint a successor, which appointment shall be made in writing to the chair of the commission, with a copy to the Secretary of the Senate and to the Clerk of the House of Representatives. The appointment shall be effective upon receipt by the chair of the commission of the written acceptance of the successor appointee. A copy of the written acceptance of the successor appointee shall be filed by the successor appointee with the Secretary of the Senate and the Clerk of the House of Representatives.

(d) The commission shall hold its organizational meeting on the date and at the place designated by the State Superintendent of Education. The superintendent shall notify each member of the commission of the organizational meeting in writing within 30 days after the effective date of this act.

(e) The State Superintendent of Education shall preside over the organizational meeting of the commission for the purpose of organizing the commission. At the organizational meeting, the commission shall select a chair, vice chair, and such other officers as it deems appropriate. The commission shall appoint a secretary who may, but need not, be a member of the commission. The commission shall adopt such rules, regulations, and procedures for the conduct of its hearings, its meetings, and other business of the commission as the commission deems appropriate. In adopting reports, making recommendations, holding public hearings, authorizing the use or disbursement of funds, and in all other matters requiring commission approval, the commission shall act by a majority vote of its members present at the meeting at

which a quorum is present or by the written consent of a majority of all its members. A quorum consists of a majority of the members of the commission then serving.

(f) The commission is hereby specifically authorized, empowered, and directed to study, evaluate, and make such written findings and recommendations as it deems appropriate to ensure that all schoolchildren in the state receive adequate and equitable educational opportunities in accordance with the findings, conclusions of law, and judgment in the consolidated legal proceeding styled *Alabama Coalition for Equity, Inc. v Hunt*, CV-90-883-R, and *Harper v Hunt*, CV-91-117-R, now pending in the Circuit Court of Montgomery County, Alabama. The commission is further authorized to employ and contract with nationally known experts and consultants in the fields of school governance, school finance, curriculum, facilities, and transportation, as well as areas for special needs students such as special education, disadvantaged, at-risk children, and children in rural schools, and other specialties as may be pertinent. The commission is authorized and directed to draft and submit appropriate legislation to carry out its recommendations. The recommendations and proposed legislation shall be delivered by the chair of the commission to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, each member of the House of Representatives, and each member of the Senate on or before October 1, 1993. The proposed legislation shall be submitted in the form of a bill or bills suitable for introduction in the Legislature.

(g) The commission may conduct public hearings at the times and places as the commission determines necessary or appropriate. All meetings of the commission, including its hearings, shall be open to the public at all times, and all of its proceedings shall be recorded and transcribed in full. The transcripts shall be maintained as public records and shall be available to the public upon the payment of a reasonable fee prescribed by the commission.

(h) The State Department of Education shall assist the commission to perform its duties. The commission shall not disclose any information with respect to any specific child that the Department of Education would otherwise be precluded from disclosing. The State Department of Finance, the State Department of Revenue, the Legislative Fiscal Office, and the Legislative Reference Service shall provide the commission, without charge, with such technical assistance, information, services, facilities, personnel, and such other support as the commission requests.

(i) The commission shall continue in existence until a final judgment is made and entered in the consolidated cases of *Alabama Coalition for Equity, Inc. v Hunt*, CV-90-883-R, and *Harper v Hunt*,

CV-91-117-R, now pending in the Circuit Court of Montgomery County, Alabama.

(j) The sum of four hundred thousand dollars (\$400,000) is hereby appropriated from the Alabama Special Educational Trust Fund to the commission for the purposes of this act. The funds appropriated by this section shall be available to the commission without regard to fiscal year.

(k) Members of the commission shall serve without compensation, but shall be reimbursed from funds appropriated to the commission for their actual and necessary travel expenses computed on the same basis as a state employee's per diem and mileage allowance.

(l) The Clerk of the House of Representatives shall publish all appointments to the commission and the written acceptances of the appointments with the Acts of the Legislature.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Bedsole offered the following amendment to the substitute for the Bill, HB 837, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 837

Amend the substitute for House Bill 837 on page 1, line 16 by deleting "\$400,000" and inserting in lieu thereof "\$250,000".

Further amend on page 7, lines 18 and 19 by deleting "four hundred thousand dollars (\$400,000)" and inserting in lieu thereof "\$250,000".

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 27 Nays 2

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,

Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

Senators:

Corbett and Sanders

- 2

And said Bill, HB 837, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 30 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

Senators:

Amari, Ellis, and Sanders

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REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

Also:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

Also:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 243. Relating to two- and four-year state institutions of high-

er education and state vocational and technical colleges; to require those institutions and colleges to provide college bookstore retailers a written listing of textbooks, publications, and academic materials that will be used in courses of study offered by the institutions or colleges within two business days of the time the information is supplied to bookstores owned or authorized by the institutions or colleges; create a grievance committee within the institutions and colleges to hear complaints; and require faculty and academic departments to provide written listings of required and optional textbooks, required academic learning materials, and custom publications for all courses taught.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 157. To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

Also:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 421. Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act effective October 1, 1993, and to provide that the act shall continue after October 1, 1997, only if continued by an act of the Legislature.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Horn requested and received permission to suspend the Rules in order to bring up the Bill, SB 517.

Senator Horn, B.I.R., SB 517, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nay: Senator Corbett

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 517. Relating to the Teachers' Retirement System; reopening the system for purchase of up to six years of service credit by certain active members; providing for the manner of payment of the cost of the prior service credit and providing for the expiration of the reopening period.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 4

Yeas:**Senators:**

Bailey, Barron, Campbell, Denton, Dial, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), and Waggoner -19

Nays:**Senators:**

Bolling, Dixon, Hill, and Windom

- 4

On motion of Senator Horn, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 517.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 459. A RESOLUTION RELATING TO CONSTRUCTION OF THE HUNTSVILLE TOLL BRIDGE AND HIGHWAY PROJECT; APPROVING A PROPOSED PLAN OF FINANCING THE COST OF CONSTRUCTION OF A FORTY-ONE MILE TOLL ROAD AND BRIDGE ACROSS THE TENNESSEE RIVER BY ALABAMA TOLL FACILITIES, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ALABAMA; THE LEGISLATURE AGREEING TO ACT AS SPONSOR FOR THE PROJECT; RECOGNIZING THE NEED FOR THE ISSUANCE OF THE CORPORATION'S BONDS TO FINANCE THE PROJECT; ACCEPTING A GRANT OF TITLE TO SUCH FACILITY IN THE NAME OF THE STATE OF ALABAMA UPON RETIREMENT OF THE BONDS TO BE ISSUED PURSUANT TO SUCH PLAN; LIMITING THE SOURCE OF FINANCING TO PRIVATE FUNDS; PROVIDING AN EFFECTIVE DATE.

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Also:

HJR 11. RESOLUTION TO SUPPORT THE REQUEST OF U.S. SENATORS SAM NUNN, HOWELL HEFLIN, AND RICHARD SHELBY TO PRESIDENT CLINTON TO KEEP IN TACT THE BAN ON HOMOSEXUALS SERVING IN THE U.S. ARMED FORCES.

Also:

HJR 96. SPECIFYING THE LEGISLATIVE INTENT OF ACT 91-617.

Also:

HJR 287. COMMENDING WILLIE JUANITA NICHOLS ON HER RETIREMENT FROM ROSA A. LOTT ELEMENTARY SCHOOL IN CITRONELLE, ALABAMA.

Also:

HJR 290. COMMENDING THE RED BAY FFA QUARTET AND STRING BAND.

Also:

HJR 292. CONGRATULATING BILLINGSLEY HIGH SCHOOL AS ALABAMA'S 1992 STATE 1A FOOTBALL CHAMPIONS.

Also:

HJR 293. RECOGNIZING MR. CHUCK COLSON, RECIPIENT OF THE TEMPLETON PRIZE FOR PROGRESS IN RELIGION.

Also:

HJR 294. COMMENDING BO JACKSON ON MAKING THE CHICAGO WHITE SOX ROSTER AFTER RECOVERING FROM A SERIOUS HIP INJURY.

Also:

HJR 344. REQUESTING THE U. S. CONGRESS TO USE DEFENSE CONVERSION REVENUE FOR THE DEVELOPMENT OF BUSINESS INCUBATORS.

Also:

HJR 409. AMENDING H.J.R. 107, ACT NO. 92-89, 1992

REGULAR SESSION, WHICH CREATED A BOARD TO COORDINATE THE SUPPORT AND PARTICIPATION BY THE STATE OF ALABAMA IN THE 1996 SUMMER OLYMPICS TO BE HELD IN ATLANTA, GEORGIA.

Also:

HJR 412. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

Also:

HJR 241. REQUESTING THE UNITED STATES CONGRESS TO REPEAL CERTAIN PROVISIONS OF THE OMNIBUS TRADE AND COMPETITIVENESS ACT, 1988, RELATING TO THE USE OF THE METRIC SYSTEM ALONG THE HIGHWAYS.

Also:

HJR 253. URGING THE U.S. CONGRESS TO OPPOSE THE PROPOSED WATERWAY FUEL TAX.

Also:

HJR 264. URGING THE STATE HIGHWAY DEPARTMENT TO ERECT DESTINATION SIGNS ALONG ALABAMA HIGHWAY NO. 157 IN LAWRENCE COUNTY TO SPEAKE HIGH SCHOOL.

Also:

HJR 273. REQUESTING THE UNITED STATES CONGRESS TO DIRECT THE INTERNATIONAL TRADE COMMISSION TO STUDY THE DOMESTIC METALLURGICAL COKE MARKET.

Also:

HJR 277. EXPRESSING THE SENSE OF THE LEGISLATURE THAT WOMEN'S SOCCER SHOULD BE A MEDAL SPORT AT THE 1996 CENTENNIAL OLYMPIC GAMES IN ATLANTA, GEORGIA.

Also:

HJR 278. DECLARING THE DEVELOPMENT OF HIGH SPEED RAIL TRANSPORTATION TO BE IN THE INTEREST OF THE STATE OF ALABAMA.

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Also:

HJR 279. PROVIDING FOR A LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

Also:

HJR 422. COMMENDING JOHN B. SAINT, DON P. KELLY, AND CHESTER J. STEFAN FOR PURCHASING THE MITCHELL COMPANY FROM THE RESOLUTION TRUST CORPORATION.

Also:

HJR 423. MOURNING THE DEATH OF SAMUEL McCOY JOHNSTON, JR., OF MOBILE, ALABAMA.

Also:

HJR 424. COMMENDING DR. EDMUND "ED" DYAS ON HIS INDUCTION INTO THE 1993 MOBILE SPORTS HALL OF FAME.

Also:

HJR 426. COMMENDING SOUTHERN LIVING FOR SELECTING THE STATE OF ALABAMA AND BLOUNT SPRINGS IN BLOUNT COUNTY AS THE SITE FOR BUILDING THE 1993 IDEA HOUSE.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 27, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 27. Amending Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

was taken up.

Senator Mitchell offered the following substitute for the Bill, SB 27, to-wit:

SUBSTITUTE FOR SB 27**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-22A-7, Code of Alabama 1975, is amended to read as follows:

"§17-22A-7.

"Amounts received by a principal campaign committee as contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by such committee, may be used by ~~such~~ the candidate to defray any ordinary and necessary expenses, as defined in Section 162 of Title 26 of U.S. Code, incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c) of Title 26 of U.S. Code, may be transferred to another

political committee, or may be used for any other lawful purpose deposited into the State General Fund or the Alabama Special Educational Trust Fund. Contributions may not be converted to any personal use. For purposes of this act, personal use shall not include room, board, lodging, meals, and travel expenses incurred in connection with the duties as a holder of office."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Parsons offered the following substitute for the Mitchell substitute for the Bill, SB 27, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR SB 27

To amend Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

On motion of Senator Mitchell, said substitute was laid on the table.

Yeas 18 Nays 16

Yeas:

Senators:

Barron, Bennett, Bolling, Corbett, Denton, Dixon, Escott-Russell, Figures, Ghee, Hale, Langford, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Wilson, and Windom -18

Nays:

Senators:

Amari, Bailey, Bedsole, Campbell, deGraffenried, Dial, Ellis, Floyd, Foshee, Hill, Horn, Lindsey, Little, Owens, Parsons, and Waggoner -16

Senator Dixon offered the following amendment to the Mitchell substitute for the Bill, SB 27, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 27

Amend the substitute for Senate Bill No. 27, Page 2 Line 14, as follows: following the word "room," add the following:

Telephones, office equipment - and continue as written.

Which was adopted.

Senator Bennett offered the following amendment to the Mitchell substitute, as amended, for the Bill, SB 27, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR SB 27**

On page 2, line 12, delete the period after the word "Fund" and insert the following language:

or any department or agency therein funded.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Harper, Zoghby, and Gaston:

H. 977. To make a supplemental appropriation of \$1,000,000 to the Mobile County Board of Education and \$500,000 to the Monroe County Board of Education for the fiscal year ending September 30, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 977 - to the Select Committee on Fiscal Responsibility

FURTHER CONSIDERATION OF SB 27

The Senate proceeded to further consideration of the Bill, SB 27, as amended. The question was on the Mitchell substitute, as amended.

Senator Wilson offered the following amendment to the Mitchell substitute, as amended, for the Bill, SB 27, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR SB 27**

On page 2, line 9, after the letter "(c)" insert the following:

, section 501(c), or any other charitable cause

Which was adopted.

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Senator Hill offered the following substitute for the Mitchell substitute, as amended, for the Bill, SB 27, to-wit:

**SUBSTITUTE FOR SUBSTITUTE, AS AMENDED,
FOR SB 27**

To amend Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

On motion of Senator Wilson, said substitute was laid on the table.

Yeas 22 Nays 11

Yeas:

Senators:

Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Escott-Russell, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (B), Waggoner, Wilson, and Windom
-22

Nays:

Senators:

Amari, Bailey, Bedsole, Bolling, Dial, Dixon, Floyd, Hill, Lipscomb, Owens, and Parsons
-11

And said Mitchell substitute, as amended, was then adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-33

Nays:

- 0

And said Bill, SB 27, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 33 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell,

Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner,
Wilson, and Windom -33

Nays:

- 0

On motion of Senator Mitchell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 27.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 497. Relating to Jackson County; providing for an additional expense allowance and salary for the sheriff.

Also:

H. 532. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Geneva in Geneva County.

Also:

H. 580. Relating to Franklin County; providing for the incorporation of the Franklin County Water Service Authority as a public corporation for the purpose of furnishing water service in a service area that may be extended into one or more other counties by amendment to the certificate of incorporation; providing for the appointment, election, and compensation of directors of the authority; providing for the powers, authorities, and duties of the authority and its board of directors; providing for the establishment, revision, and collection of charges for water facilities or services rendered by it; providing for the assumption by the authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; authorizing any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state to aid and cooperate with, lend, or donate money to, perform services, or transfer any water facility, or other property or asset to the authority; providing that the rendition by the authority of those services or facilities is a governmental function; exempting the authority from all tort liability in connection with water services or facilities; exempting the authority, its property, corporate activities, income, revenues, and securities from all taxation in this state and from the payment of certain charges to Judges of Probate; providing for the use of public roads in the state by the

authority; providing for the dissolution of the authority and the disposition of its property; providing for auditing; providing that funds of the authority may be used to aid in applying for available grants; specifically abolishing existing authorities; and specifically repealing Act No. 88-914, S. 222, 1988 Regular Session (1988 Acts, p. 492.)

Also:

H. 584. Relating to Cullman County; providing further for the compensation of poll workers.

Also:

H. 602. Relating to Autauga County; providing further for the compensation of poll workers.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 373. Relating to Jackson County; requiring certain county-owned motor vehicles to be marked in a certain manner for identification purposes and to provide penalties for violations of this act.

Also:

H. 656. Relating to Jackson County; to amend Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234) relating to the system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate, to provide that the special indexing fee shall be for the use of the Judge of Probate.

Also:

H. 820. Relating to Pike County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

Also:

H. 821. Relating to Pike County; providing for the election and compensation of the Chair of the Pike County Commission.

Also:

H. 852. Relating to Chambers County; providing further for the compensation of the sheriff.

Also:

H. 822. To amend Section 3 and 4 of Act No. 92-248, H. 552, 1992 Regular Session (Acts 1992, Act No. 92-248, p.602), to provide that candidates for the Board of Education for the City of Pell City, Alabama, shall have earned a high school diploma or its equivalent and that the initial election of board members be staggered.

Also:

H. 823. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Argo in St. Clair County.

Also:

H. 828. Relating to Henry County; providing for additional court costs in all criminal and civil cases other than small claims court, with the proceeds to be placed in a fund to be used to build a new county jail.

Also:

H. 834. Relating to Morgan County; providing further for the compensation of poll workers.

Also:

H. 8. Providing for the establishment of a merit system for the county law enforcement officers, radio operators, jailers and law enforcement support personnel in Fayette County; and providing for a merit system board governing the removal and official conduct of such county employees.

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1999

Also:

H. 38. Relating to Tallapoosa County; amending Section 1 of Act No. 92-493, H. 708 of the 1992 Regular Session, relating to the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, to correct the range description.

Also:

H. 689. Relating to Jackson County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax for a new county jail; prescribing penalties and fixing punishment for violation of this act; providing for an advisory referendum; and providing for a termination date.

Also:

H. 711. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a cable television system and to furnish cable television to the residents of the city and to customers in the surrounding territory; prescribing its powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting the service from the regulation and control of the Alabama Public Service Commission.

Also:

H. 844. Relating to Montgomery County; pertaining to the Retirement System for Employees' of Montgomery County, to amend Section 4 of Act No. 356 of the Legislature of Alabama of 1973 to provide for employees with prior employment with the State of Alabama or subdivision thereof to purchase credit in the Retirement System for Employees' of Montgomery County; and to allow those county employees who, but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature, would have contributed to the Retirement System for Employees' of Montgomery County to pay the amount not deducted plus interest and thereby receive credit for membership in the Retirement System for Employees' of Montgomery County for the period of time when such monies were not contributed.

Also:

H. 12. Relating to Washington County; to alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Chatom in Washington County, Alabama.

Also:

H. 45. Relating to the City of Attalla; amending Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, relating to the city board of education, to provide for the election of the chair and vice-chair of the board annually and to increase the compensation of the board from \$100 per month to \$300 per month.

Also:

H. 220. Relating to Washington County; providing for additional expense allowance and salary for the sheriff.

Also:

H. 221. Relating to Washington County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Also:

H. 305. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 91. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., HB 21, adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

Senators:

Amari and Corbett

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

H. 21. To propose an amendment to the Constitution of Alabama of 1901, to levy an additional one mill ad valorem tax, and providing for the distribution of the proceeds.

was taken up.

Senator Amari offered the following amendment to the Bill, HB 21, to-wit:

AMENDMENT TO HB 21

On page 4, line 23, following subsection (e) insert a new subsection (f) to read as follows:

"(f) Any county which operates a paid fire department financed from taxes levied and collected by the county, may exempt all property within its boundaries from the tax levied by this amendment by adopting a resolution, with copies filed with the tax assessor of each county in which the property is situated, and with the Alabama Forestry Commission, declaring such exemption and waiving all distributions of the proceeds of the tax levied by this amendment to the county and to the fire department operated by it. No fire department serving on a regular day to day basis a county adopting such a resolution shall receive any proceeds of the tax levied by this amendment. Any resolution adopted pursuant to this subsection shall be irrevocable."

On motion of Senator Bedsole, said amendment was laid on the table.

Yeas 18 Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Ghee, Hale, Hill, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Windom -18

Nays:

Senators:

Amari, Bennett, Corbett, Dixon, Escott-Russell, Horn, Langford, Waggoner, and Wilson - 9

Senator Amari then offered the following amendment No. 2, to the Bill, HB 21, to-wit:

AMENDMENT NO. 2 TO HB 21

Amend HB 21 by adding after line 23 on page 4 the following subsection (f) following subsection (e):

"(f) Any municipality which operates a paid fire department financed from taxes levied and collected by the municipality, may exempt all property within its boundaries from the tax levied by this amendment by adopting a resolution, with copies filed with the tax assessor of each county in which situated, and with the Alabama Forestry Commission, declaring such exemption and waiving all distributions of the proceeds of the tax levied by this amendment to the municipality and to the fire department operated by it. No fire department serving on a regular day to day basis a municipality adopting such a resolution shall receive any proceeds of the tax levied by this amendment. Any resolution adopted pursuant to this subsection shall be irrevocable."

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 27. To amend Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

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2003

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 91. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

PETITION

At 9:35 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate, pursuant to Senate Rule 21, that debate on the pending measure HB 21, shall cease at 10:10 P.M. on the Twenty-Seventh Legislative day, May 4, 1993.

**ANN BEDSOLE
RYAN DEGRAFFENRIED, JR.
LARRY DIXON
B. DON HALE
LOWELL BARRON
ODELL V. HILL, JR.
GEORGE R. BOLLING
JIM SMITH
DOUG GHEE**

**E.C. FOSHEE
ALBERT LIPSCOMB
WENDELL MITCHELL
FRANK C. ELLIS
WALTER OWENS
CHIP BAILEY
GERALD DIAL
HINTON MITCHEM
BOBBY DENTON**

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 259. To amend Section 6-5-332 of the Code of Alabama

1975, to include chiropractors in the list of persons who would not be liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 259. To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Turnham:

H. 185. To amend Sections 2-10-21, 2-10-23, 2-12-4, 2-13-8, 2-13-9, 2-15-21, 2-15-23, 2-15-25, 2-15-92, 2-15-313, and 2-16-3, and to repeal Section 2-15-41, Code of Alabama 1975, by increasing the fees charged by the Department of Agriculture and Industries and percentage of the fees deposited to the Agricultural Fund.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 185 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Penry, Campbell, Mikell, Clark (J), Turner, Butler, Beasley, Thomas, Starkey, Carter, Ford, Box, Smith (R), Black (L), Hammett, Sanderson, Turnham, McMillan, Powell, Laird, Hooper, Richardson, Cullins, McClain, and Johnson:

H. 428. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to boat registration fees, so as to increase certain registration fees; to provide for the application of said fees to livery boats; and to delete certain provisions relating to livery boats.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 428 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hooper, Walker, McKee, and Knight (J) (With Notice and Proof):

H. 953. Relating to the Water Works and Sanitary Sewer Board

of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 953, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 953 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 452. To further amend Section 35-15-1, Code of Alabama 1975, as amended, relating to the duty of care owed persons on premises for certain sporting and recreational purposes, so as to add certain persons who go onto premises for purposes of purchasing, picking or gleaning agricultural produce or products.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 452 - to the Committee on Agriculture, Conservation, and Forestry

FURTHER CONSIDERATION OF PETITION

The Senate proceeded to further consideration of the Petition to cease debate on the Bill, HB 21.

And said Petition was lost, for failure to receive the required three-fifths vote of the members elected.

Yeas 16 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Hill, Mitchell, Mitchem, Owens, Smith (B), and Smith (J) -16

Nays:

Senators:

Amari, Corbett, Escott-Russell, Figures, Horn, Little, and Waggoner - 7

FURTHER CONSIDERATION OF HB 21

The Senate proceeded to further consideration of the Bill, HB 21. The question was on the Amari amendment No. 2.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

SB 529

SB 25

SB 519

Delivered to the Governor, May 4, 1993, at 3:37 P.M.

SB 561

SB 592

SB 621

SB 564

SB 598

Delivered to the Governor, May 4, 1993, at 4:03 P.M.

SB 483

SB 612

Delivered to the Secretary of State, May 4, 1993, at 4:40 P.M.

SB 524

SB 618

SB 623

Delivered to the Governor, May 4, 1993, at 4:45 P.M.

SB 98

SB 243

SB 97

SB 426

SB 95

Delivered to the Governor, May 4, 1993, at 7:25 P.M.

SB 157

SB 252

SB 421

Delivered to the Governor, May 4, 1993, at 7:40 P.M.

SB 91

Delivered to the Governor, May 4, 1993, at 9:42 P.M.

SB 259

Delivered to the Governor, May 4, 1993, at 10 o'clock P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 10:10 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, HB 21, the Senate adjourned until Wednesday, May 5, 1993, at 11 o'clock A.M.

TWENTY-EIGHTH LEGISLATIVE DAY

WEDNESDAY, MAY 5, 1993

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Jabo Waggoner, Sixteenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andy Robinson, Autauga Academy, Prattville, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 6, 1993, at 11 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 603. Proposing an amendment to Amendment No. 493 to the Constitution of Alabama of 1901, pertaining only to Autauga County, to provide further for the compensation of the Judge of Probate.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 825. To propose an amendment to the Constitution of Alabama of 1901, relating to Covington County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to the fire departments and to the rescue squads; providing for expenditure and accounting of the funds; providing for treatment of funds upon dissolution or abandonment of a fire department or rescue

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2011

squad; granting immunity from certain liability to the county and providing for a referendum election on the amendment.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 855. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 416. To propose a constitutional amendment relating to the

volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 893. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Decatur City Board of Education.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 388. Relating to Marshall County; establishing a sheriff reserve within the county sheriff's department.

Also:

H. 389. Relating to Marshall County; authorizing the sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; and providing for the disposition of the net revenues generated from the sale.

Also:

H. 461. Relating to the City of Sheffield in Colbert County; to amend Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989, p. 247), relating to declaring certain items a public nuisance, to correct a citation and to require the time and location of a meeting regarding the declaration be specified on the posted notice.

Also:

H. 463. Relating to Shelby County, repealing Act 92-225 and Act 92-400 of the 1992 Regular Session, both of which permitted persons engaged in certain real estate businesses to serve on certain planning, zoning, or subdivision boards or commissions.

Also:

H. 489. Relating to Cherokee County; providing for an additional expense allowance and salary for the coroner and an effective date.

Also:

H. 614. Relating to Lamar County; to require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; and to provide that the system shall constitute official and permanent records in Lamar County.

Also:

H. 617. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 728. Relating to Shelby County; providing for additional

costs and charges in all Circuit and District Court cases and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of moneys in these funds.

Also:

H. 742. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Also:

H. 743. Relating to Marengo County; specifically providing for a mileage allowance for the Coroner of Marengo County by amending Section 1 of Act No. 92-491, H. 827, 1992 Regular Session.

Also:

H. 745. Relating to Sumter County; providing for the expense allowance and travel allowance for the county coroner, payable from county funds and repealing Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), relating to the coroner's compensation; and making the provisions retroactive to December 1, 1992.

Also:

H. 755. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

Also:

H. 758. To authorize the County Commission of Bibb County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated in Bibb County, the special ad valorem tax for necessary public buildings, bridges, and roads which is authorized in Section 215 of the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in

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the rate of levy may be used only for the acquisition, construction, maintenance, and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Beasley and Newton (C):

H. 518. To repeal the Deceptive Trade Practices Act, Sections 8-19-1 to 8-19-15, inclusive, Code of Alabama 1975; to define and prohibit unlawful advertising and trade practices; to authorize the Attorney General and the district attorneys to prosecute violators civilly or criminally, or both; to provide penalties and establish a statute of limitations; and to authorize the Attorney General to promulgate rules and procedures for enforcing the act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 518 - to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Collins:

H. 910. Reopening the Employees' Retirement System to allow a

certain confidential employee of an elected official to purchase up to one year of additional service credit for every seven years of service which the employee is credited with in the system; to provide for the member to pay the total cost of purchasing the additional service credit and to provide for a termination date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 910 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 591. Allowing certain retired judges of probate to qualify for maximum disability pension benefits under the Judicial Retirement Fund by using certain service as a circuit clerk and to provide for the cost of the increased benefits.

Also:

By Rep. Layson:

H. 664. Relating to the 24th Judicial Circuit; providing further for the compensation of the court reporter and repealing Act No. 791, H. 979, 1971 Third Special Session.

Also:

By Reps. McMillan and Penry:

H. 992. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when the service area includes a resort area and the service area is incorporated or annexed into a municipality.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 591 and 664 - to the Committee on Finance and Taxation

HB 992 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson and Carothers:

H. 168. To require a permit for the operation of a milk, milk products, or frozen dessert producing plant; to require a fee of \$250; to define certain terms; to provide for the inspection of plants, and the issuance of and suspension or revocation of permits; to provide for appeals from same; to provide for criminal and civil penalties for violation of this act or rules or orders of the State Board of Health; to continuously appropriate all funds to the State Board of Health; and to provide for the issuance of rules and orders.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 168 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Freeman, Harper, and Campbell:

H. 294. To repeal Sections 22-21-290, 22-21-291, 22-21-292,

22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 294 - to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Turnham:

H. 184. To amend Sections 2-21-24, 2-22-4, 2-22-9, 2-23-5, and 2-27-9, Code of Alabama 1975, relating to increasing fees for inspection of commercial liming material, feeds, and fertilizer, sale of fertilizer, and registration of pesticides; to provide further for the distribution of the fee increases; to establish the Department of Agriculture and Industries State Laboratory Fund; and to make an appropriation to the Department of Agriculture and Industries for the State Chemical Laboratory, the State Pesticide Residue Laboratory, the State Food and Drug Laboratory, and the Alabama Diagnostic Laboratories for the fiscal year beginning October 1, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 184 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 371. To amend Section 16-54-18, Code of Alabama 1975, to

provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

GREG PAPPAS,
Clerk.

COMMITTEE REPORT FILED

Pursuant to the provisions of SJR 256, 1983 Regular Session, the annual report of the Alabama Permanent Oil and Gas Study Committee was read and filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 192

We, the Committee on Conference appointed to reconcile the disagreement between the two houses concerning House Bill 192, have met, considered the bill as substituted, and have agreed to the following report:

DANNY CORBETT,
RYAN DEGRAFFENRIED, JR.,
GERALD DIAL,

Conferees on the part of the Senate.

TAYLOR HARPER,
RALPH BURKE,
TOM BUTLER,

Conferees on the part of the House.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 192

**A BILL
TO BE ENTITLED
AN ACT**

To provide an appropriation for the support and maintenance of

the Emergency Medical Services Programs for the fiscal year ending September 30, 1994 and to create the Alabama Emergency Medical Services Education Commission to distribute funds appropriated by the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1994, the sum of \$3,980,831 out of the funds accruing to the Alabama Special Educational Trust Fund after the effective date of this act to be used for the support and maintenance of the Emergency Medical Services Programs as follows:

(1) Alabama Department of Public Health for funding the Birmingham Regional Emergency Medical Services System, \$320,512.

(2) Alabama Department of Public Health for funding East Alabama Emergency Medical Services, Inc., \$320,512.

(3) Alabama Department of Public Health for funding North Alabama Emergency Medical Services, Inc., \$320,511.

(4) Alabama Department of Public Health for funding Southeast Alabama Emergency Medical Services, Inc., \$320,511.

(5) Alabama Department of Public Health for funding Southwest Alabama Emergency Medical Services, Inc., \$320,511.

(6) Alabama Department of Public Health for funding West Alabama Emergency Medical Services, Inc., \$320,511.

(7) Alabama Department of Public Health for funding regional equipment and training grant funds for emergency medical services, \$279,594.

(8) Alabama Department of Public Health for improvement in emergency medical services through services offered at the state level, \$230,839.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) shall be disbursed by contract with the agencies named for placement in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment and tuition and expenses for training by emergency medical services providers. Funds shall be allocated to the agen-

cies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. (a) There is hereby created the Alabama Emergency Medical Services Education Commission. Membership on the Alabama Emergency Medical Services Education Commission shall be as follows:

(1) The State Health Officer, or his or her designee, who shall serve as chair.

(2) The State Superintendent of Education, or his or her designee.

(3) Three members appointed by the Governor.

(4) Two members appointed by the Lieutenant Governor or the President of the Senate.

(5) Two members appointed by the Speaker of the House of Representatives.

(b) Members of the Commission shall not receive compensation for their services, but shall be allowed travel and per diem expenses at the same rate paid to state employees, to be paid from funds of the Alabama Department of Public Health.

(c) The Commission shall meet at the times and places as it shall establish, or at the call of the chair after not less than five working days notice to all members. In no event shall the Commission meet less frequently than twice each fiscal year.

(d) The Commission shall expend the funds that are appropriated for such purpose by the Legislature by making grants to state junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1994, the Commission shall expend the sum of \$1,547,330 for purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof.

(e) Grants from the Commission shall contain such conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require audited financial statements as a condition of grant acceptance.

Section 4. This act shall become effective on October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 192, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 192, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 192, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Knight (A) and Hill:

H. 482. To exempt from any state, county, and municipal sales taxes the sale of admissions for sporting events sponsored by the Senior Professional Golfers Association.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 482 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 845. Relating to insurance premium tax; to provide a phase-in of equal rates of premium tax to be paid annually by foreign and domestic insurance companies on life and health insurance premiums; to provide an equal rate of premium tax to be paid annually by foreign and domestic companies writing other insurance; to provide exemptions, credits, and deductions; to require reports; to provide for penalties; to provide an exclusive tax on premiums; to amend Section 10-4-115, Code of Alabama 1975, to clarify that non-profit corporations organized pursuant to Section 10-4-100, et seq., Code of Alabama 1975, are subject to premium tax; to amend Section 27-21A-28, Code of Alabama 1975, to clarify that health maintenance organizations are subject to premium tax; to amend Section 27-10-31, Code of Alabama 1975, to increase the tax rate on brokers of surplus line insurance; to tax wet marine and transportation premiums the same as other casualty insurance; to provide that mutual aid associations are subject to the provisions of this act, including the premium tax; and to repeal Sections 27-4-1, 27-4-3 to 27-4-7, inclusive, 27-4-9 to 27-4-10, inclusive, and Section 27-30-31, Code of Alabama 1975.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Freeman, and Fuller.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Lindsey, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 845, the title of which is set out in the foregoing Message from the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -24

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Lindsey, Foshee, and Hale.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight (J):

H. 681. Relating to Class 3 municipalities; to further provide for the number of members of municipal boards, committees, or like bodies.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 681 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, Johnson, and Newton (C):

H. 348. To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be

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liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 348 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Butler:

H. 412. To amend Section 16-22-9, Code of Alabama, 1975, as amended, relating to sick leave banks by local boards of education so as to further provide for catastrophic sick leave provisions and to expand the provisions to apply to certain other educational and postsecondary institutions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 412 - to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in

charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Parsons, the Senate concurred in and adopted the following House amendment to the Bill, SB 94, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 94

Amend SB 94 on page 2, Section 1, lines 18 & 6 by adding after the word "pupil" the following:

in accordance with a written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil

On p. 2, line 22, after the words "district attorney", add the following:

within 10 days.

Also:

To amend SB 94 on page 1, line 22 by adding after the word "superintendents" the following:

"or the designees of the superintendents"

Further amend the bill on page 2, lines 21 and 23 by adding after the word "education" the following:

"or his or her designee"

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, and Windom

-19

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kennedy:

H. 972. Relating to the State Board of Education; to redistrict the state into eight districts for the election of board members at the 1994 and subsequent elections; and to repeal Section 16-3-1, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 972 - to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Penry, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 439. COMMENDING SAM SPENCER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 439, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Payne and Biddle:

**HJR 435. RECOGNIZING COUNTRY BOY EDDIE AND HAP-
PY HAL BURNS.**

Also:

By Reps. McMillan and Penry:

**HJR 437. COMMENDING T. W. MITCHELL FOR OUT-
STANDING ACHIEVEMENT AND SERVICE.**

Also:

By Reps. McMillan and Penry:

**HJR 438. COMMENDING THE PARTICIPANTS IN LEADER-
SHIP BALDWIN COUNTY, 1992-93.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 435, 437, and 438, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Sanderson:

**HJR 448. DESIGNATING MAY 21, 1993, AS "THE RALPH R.
DRESSLER DAY IN ALABAMA."**

Also:

By Reps. McDowell, Spratt, McClain, Rogers (J), Barnes, Knight (J), Kennedy, and Newton (D):

HJR 451. RECOGNIZING THE HUMANISTIC CHALLENGERS CLUB FOR 40 YEARS OF OUTSTANDING CONTRIBUTIONS AND ACCOMPLISHMENTS.

Also:

By Rep. Cosby:

HJR 452. COMMENDING ALBERT MASON, JR., J.C. PENNEY STORES' 1992 CHAIRMAN'S AWARD WINNER.

Also:

By Reps. Haynes, Johnson, and Clark (J):

HJR 456. MOURNING THE DEATH OF ASHLEY LEONIDAS CAMP, JR., OF MUNFORD, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 448, 451, 452, and 456, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 453. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Rep. Cosby:

HJR 454. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

DEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Rep. Cosby:

HJR 455. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

By Reps. Kvalheim and Gaston:

HJR 457. COMMENDING CHRIS PARK OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 453, 454, 455, and 457, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Rockhold, Buskey, Clark (W), McMillan, Gaston, Penry, Gullatt, Turner, Harper, Box, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C),

Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

HJR 460. MOURNING THE DEATH OF MRS. JULIA ARMYNE DOUMIT ZOGHBY OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 460, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey, Clark (W), and Kennedy:

HJR 463. COMMENDING LAURETTA FREEMAN OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

Also:

By Rep. Turnham:

HJR 465. COMMENDING EVELYN H. WAMBLES UPON THE OCCASION OF HER RETIREMENT.

Also:

By Reps. McMillan, Turner, and Penry:

HJR 466. COMMENDING T. H. "TOM" KELLY, JR., ON THE OCCASION OF HIS RETIREMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the

Resolutions, HJR's 463, 465, and 466, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 468. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, May 5, 1993, they adjourn to meet again on Thursday, May 6, 1993; when they adjourn on Thursday, May 6, 1993, they adjourn to meet again on Monday, May 17, 1993; and when they adjourn on Monday, May 17, 1993, they adjourn sine die.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 468, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

HJR 436. DESIGNATING ACT 90-624 OF THE 1990 REGULAR SESSION THE JOHN WALLACE ACT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 90-624, H. 570, 1990 Regular Session, now codified as Section 36-29-14, Code of Alabama, is hereby named and shall forever be known as the John Wallace Act.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Wallace so that he may be informed of this recognition.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 436, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

HJR 430. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 29, 1993, they adjourn to meet again on Tuesday, May 4, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 430, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Richardson:

H. 40. To amend Section 37-3-4, Code of Alabama 1975, by providing further for the exemption of motor carriers who transport property in open top dump vehicles.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 195. To prohibit discrimination in employment, housing, and public accommodations, to create the Alabama Human Relations Commission, and to provide penalties.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 185. To amend Sections 2-10-21, 2-10-23, 2-12-4, 2-13-8, 2-13-9, 2-15-21, 2-15-23, 2-15-25, 2-15-92, 2-15-313, and 2-16-3, and to repeal Section 2-15-41, Code of Alabama 1975, by increasing the fees charged by the Department of Agriculture and Industries and percentage of the fees deposited to the Agricultural Fund.

By Reps. Penry, Campbell, Mikell, Clark (J), Turner, Butler, Beasley, Thomas, Starkey, Carter, Ford, Box, Smith (R), Black (L), Hammett, Sanderson, Turnham, McMillan, Powell, Laird, Hooper, Richardson, Cullins, McClain, and Johnson:

H. 428. To amend Section 33-5-17, Code of Alabama 1975, as last amended, relating to boat registration fees, so as to increase certain registration fees; to provide for the application of said fees to livery boats; and to delete certain provisions relating to livery boats.

By Rep. Harvey:

H. 452. To further amend Section 35-15-1, Code of Alabama 1975, as amended, relating to the duty of care owed persons on premises for certain sporting and recreational purposes, so as to add certain persons who go onto premises for purposes of purchasing, picking or gleaning agricultural produce or products.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Powell:

H. 312. To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-12, 22-25-14, and 22-25-15, Code of Ala-

bama 1975, relating to the regulation of water and wastewater systems and treatment plants; to permit the Department of Environmental Management to also regulate public wastewater collection systems; to provide for operator certification; and to relieve the appropriate district attorney of certain enforcement duties.

By Rep. Newton (C):

H. 195. Relating to the further regulation of liquefied petroleum gas and the powers, duties, and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-104, 9-17-109, and 9-17-110, Code of Alabama 1975, as amended, so as to provide for notification of work on liquefied petroleum gas systems; to provide for a research and education committee; to provide for a special Liquefied Petroleum Gas Research and Education Fund in the State Treasury for research and education purposes; and to provide an appropriation.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Powell (With Notice and Proof):

H. 913. To amend Act No. 61, H. 2, 1967 Special Session, (Acts 1967, p. 96), relating to Autauga County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee.

By Rep. Campbell (With Notice and Proof):

H. 936. To amend further Section 5 of Act No. 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act No. 82-366, 1982 Regular Session (Acts 1982, p. 520), to provide for increases in benefits for retirees under the policemen's and firemen's retirement fund for the City of Anniston in Calhoun County.

By Rep. Powell (With Notice and Proof):

H. 940. To provide for the date of the regular monthly meeting of the Autauga County Commission, to repeal all other laws in conflict with the act.

By Rep. Willis (With Notice and Proof):

H. 941. Relating to the City of Weaver in Calhoun County; to amend Section 6 of Act No. 84-405, H. 950, of the 1984 Regular Session (Acts 1984, p. 947), providing a Civil Service System for the City of Weaver, to increase the salary for members of the board.

By Reps. Hooper, Walker, McKee, and Knight (J) (With Notice and Proof):

H. 953. Relating to the Water Works and Sanitary Sewer Board of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

By Rep. Willis (With Notice and Proof):

H. 955. Relating to the City of Jacksonville in Calhoun County; providing for a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Reps. Smith (C) and Powell (With Notice and Proof):

H. 958. Relating to Chilton County; providing for a transaction fee on computer generated county business conducted and transacted in the offices of the tax assessor, tax collector, and judge of probate; and providing for disposition of the funds from the fees.

By Reps. Smith (C) and Powell (With Notice and Proof):

H. 959. Relating to Chilton County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a referendum.

By Rep. Harvey (With Notice and Proof):

H. 969. Relating to Blount County; to provide for the formation of fire and emergency medical services districts; to provide for the powers, duties, and authority of the district; to provide for annual dues; to provide for a board of trustees; and to provide for referendum elections.

By Rep. Harvey:

H. 970. To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire fighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Gullatt (With Notice and Proof):

H. 971. Relating to Russell County; to authorize the county commission to establish one or more fire fighting districts within the county and to levy financial charges or assessments on all units of property within any fire fighting district, subject to the approval of the qualified electors of the county.

By Rep. McDaniel (With Notice and Proof):

H. 981. To amend Section 1 of Act No. 86-564, H. 806 of the 1986 Regular Session (Acts 1986, p. 1151), as amended by Act No. 90-396, S. 589 of the 1990 Regular Session (Acts 1990, p. 554), which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1996; and to provide for an allocation to Marshall County Economic Development Board to employ a director, and to provide for review of the allocation.

By Rep. McDaniel (With Notice and Proof):

H. 982. Relating to the merit system for Marshall County and the manner of cost-of-living pay increases for county employees; amending Section 15 of Act No. 82-206, H. 623 of the 1982 Regular Session (Acts 1982, p. 247), for that purpose; and providing an effective date.

By Reps. Knight (A) and Hill (With Notice and Proof):

H. 993. Relating to law enforcement in Shelby County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Zoghby (With Notice and Proof):

H. 796. Relating to Mobile County; providing for the county governing body to reimburse the offices of judge of probate, revenue commissioner, or license commissioner for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain annual maximum per office; and providing that reimbursement payments be made from the county general fund.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 398. To amend Section 4 of Act No. 91-546, H. 596, 1991 Regular Session so as to provide further for a new effective date of July 1, 1986.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson and Haynes:

H. 662. To amend Sections 32-6-4, 32-6-5, and 32-6-8 of the Code of Alabama 1975, to provide for an additional fee for issuance of a driver's license and a learner's permit and to provide that the increased fee shall be deposited into the Public Safety Law Enforcement Fund and appropriated to the Department of Public Safety, from year to year for the purposes of this act; and to provide for the effective date of this act the first day of the second month following its enactment.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. McKee and Hooper (With Notice and Proof)(With Amendment):

H. 814. Relating to Montgomery County; abolishing the office of constable; and providing an effective date.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Powell (With Notice and Proof)(With Substitute):

H. 869. Relating to Autauga County; abolishing the office of constable; and providing an effective date.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Butler (With Notice and Proof):

H. 930. Relating to the City of Madison in Madison County; authorizing the governing body to levy an additional ad valorem tax and providing for a referendum.

By Rep. Butler (With Notice and Proof):

H. 931. Relating to the City of Triana in Madison County; authorizing the governing body to levy an additional ad valorem tax and providing for a referendum.

By Rep. Mikell (With Notice and Proof):

H. 939. Relating to Elmore County; amending Act No. 89-260, H. 567, 1989 Regular Session, which provided for the assessment and distribution of additional costs and charges in all circuit and district court cases, excluding small claims division, and established a juvenile court services fund, so as to increase said additional costs and charges from \$1 to \$3.

By Rep. Haynes (With Notice and Proof):

H. 946. Relating to Talladega County; to authorize the county governing body of Talladega County to increase the expense allowance of the Sheriff during the present term of office of the Sheriff; and to establish a commensurate increase in the salary of the Sheriff at the beginning of the next term of office and a termination of the expense allowance at the end of the present term of office of the Sheriff.

By Rep. Williams (With Notice and Proof):

H. 886. Relating to the City of Daleville in Dale County; providing for the manner of electing the members of the city council; removing the designation of place number for a council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as provided, the continuation of all other laws, resolutions, or ordinances governing the operation of the city council and its members.

By Rep. Collins (With Notice and Proof):

H. 964. Relating to Fayette County; providing for a special parcel fee on public business filed and transacted in the Office of the

Revenue Commissioner; providing for the collection and distribution of the funds from the fee; authorizing the county commission to increase the fee in addition to all existing recording fees and charges; providing for limited exemptions; providing for an issuance, application, or license transfer fee; providing for the increase in court costs for the service of all papers or documents by the sheriff or any deputy sheriff in criminal and civil cases filed in court in the county; and providing for the collection and distribution of the additional court costs.

By Rep. Blakeney (With Notice and Proof):

H. 937. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Demopolis in Marengo County.

By Rep. Collins (With Notice and Proof):

H. 928. Relating to Fayette County; to alter the organization and composition of the county commission, provide for rotating the terms of chair of the commission; to reduce the compensation of the commission; to establish a shop and unit road system for the operation of the county roads and bridges; to provide for the employment of a clerk/administrator; to provide for the employment of a county engineer; to provide for the employment of a county supervisor; and to require members of the county commission to inspect the roads and bridges in their districts.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Zoghby, and Gaston (With Substitute):

H. 977. To make a supplemental appropriation of \$1,000,000 to the Mobile County Board of Education and \$500,000 to the Monroe County Board of Education for the fiscal year ending September 30, 1993.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Penry and McMillan (With Notice and Proof):

H. 808. Relating to Baldwin County; to establish a public cor-

poration known as the "Alabama Gulf Coast Convention and Visitors Bureau"; to define the boundaries of a "Lodging Tax District" within Baldwin County; to provide for the levy of a lodging tax and the collection of the tax within the defined "Lodging Tax District"; and to provide for the distribution of the tax.

By Reps. McMillan and Penry (With Notice and Proof):

H. 965. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; and providing for classes of employment.

By Reps. McMillan and Penry (With Notice and Proof):

H. 966. Relating to Baldwin County; to provide an additional expense allowance for the coroner of the county.

By Reps. Penry and McMillan (With Notice and Proof):

H. 967. Relating to Baldwin County; to provide for the regulation by the county commission of the construction setback from any county or state public road or highway; and to provide for appeals and exceptions.

By Reps. Penry and McMillan (With Notice and Proof):

H. 991. Relating to Baldwin County; authorizing the county commission to levy an additional ad valorem tax pursuant to Amendment No. 319 to the Constitution of Alabama of 1901, for library purposes; and providing for a referendum.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (P):

H. 448. To amend Section 36-7-21, Code of Alabama 1975, relating to persons traveling outside the state on state business, to remove persons traveling out-of-state on behalf of a state postsecondary education institution from the requirement of authorization by the Governor.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Melton (With Notice and Proof):

H. 859. Relating to Tuscaloosa County; to provide for the levy, collection, and distribution of an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in the county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has non-concurred in the Senate Amendment to the Bill:

H. 837. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Harper, Zoghby, and Sanderson.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 837, the title of which is set out in the foregoing Message from the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -28

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Bennett, Parsons, and Dixon.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 371. To amend Section 16-54-18, Code of Alabama 1975, to provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Jack Neal to the Agriculture and Industries Board

On motion of Senator Foshee, the re-appointment of Mr. Neal was confirmed by the Senate.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Mitchell, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -21

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Raymond Bailey to the Agriculture and Industries Board

On motion of Senator Foshee, the appointment of Mr. Bailey was confirmed by the Senate.

Yeas 20 Nays 0
Abstaining 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Floyd, Foshee, Horn, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -20

Nays: - 0

Abstaining: Senator Hale - 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 550. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

GREG PAPPAS,
Clerk.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jerry Newby to the Agriculture and Industries Board

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On motion of Senator Foshee, the appointment of Mr. Newby was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Fuller Kimbrell to the Agriculture and Industries Board

On motion of Senator Foshee, the re-appointment of Mr. Kimbrell was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Carla Thomas to the Agriculture and Industries Board

On motion of Senator Foshee, the appointment of Ms. Thomas was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,

Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Frances Griffin to the Agriculture and Industries Board

On motion of Senator Foshee, the appointment of Ms. Griffin was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Fred Denman to the Agriculture and Industries Board

On motion of Senator Foshee, the appointment of Mr. Denman was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted

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on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mayor Richard Arrington to the Alabama
State University Board of Trustees

On motion of Senator Escott-Russell, the appointment of Mayor Arrington was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Nasief Joe Rookis to the Alcoholic Bev-
erage Control Board

On motion of Senator Hale, the appointment of Mr. Rookis was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Wesley Barry to the Alcoholic Beverage
Control Board

On motion of Senator Foshee, the appointment of Dr. Barry was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Joe Broadwater as Chairman of the Alcoholic Beverage Control Board

On motion of Senator Foshee, the appointment of Mr. Broadwater was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ira Drayton Pruitt to the Livingston University Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Pruitt was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn,

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Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner,
Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Dwight Duke to the Livingston University Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Duke was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Terry J. Bunn to the Livingston University Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Bunn was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Frank E. McGough, Jr. to the
Livingston University Board of Trustees

On motion of Senator Foshee, the appointment of Mr. McGough was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

RESOLUTIONS

Senators Dial, Amari, Hale, Waggoner, Floyd, Owens, and Smith (B) offered the following Senate Joint Resolution, to-wit:

SJR 136. EXPRESSING CONCERN ABOUT THE USE OF AN ENERGY TAX TO REDUCE THE FEDERAL BUDGET DEFICIT.

Which was read and referred to the Standing Committee on Rules.

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

SJR 137. DIRECTING THE A.B.C. BOARD TO CONVERT TO A BAILMENT SYSTEM.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Carothers, Johnson, Beasley, Butler, Haynes, Bowling, Freeman, Hall, Morrow, McDowell, McClain, Kvalheim, Biddle, Flowers, Campbell, and Rockhold:

H. 521. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4,

22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10 Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 521 - to the Committee on Health

BUDGET ISOLATION RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, HB 715.

Senator Bailey, B.I.R., HB 715, adopted.

Yeas 13 Nays 4
Abstaining 1

Yeas:

Sensors:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Escott-Russell, Floyd, Hale, Hill, Langford, Sanders, Smith (J), and Wilson -13

Nays:

Sensors:

Ghee, Little, Mitchell, and Windom - 4

Abstaining: Senator Campbell - 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 715. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or

money for charitable or educational purposes when all the requirements of Amendment 425 to the Constitution of 1901, are fulfilled.

was read a third time at length as required by the Constitution and lost.

Yeas 9 Nays 16

Yeas:

Senators:

Bailey, Barron, deGraffenried, Ellis, Escott-Russell, Figures, Hill,
Sanders, and Windom - 9

Nays:

Senators:

Amari, Bedsole, Bennett, Corbett, Dixon, Foshee, Hale, Horn, Little,
Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and
Wilson -16

On motion of Senator Amari, the Senate reconsidered the vote by which the Bill, HB 715, was lost.

And said Bill, HB 715, was again read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 2
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill,
Horn, Langford, Owens, Parsons, Sanders, Smith (B), Smith (J),
Waggoner, and Wilson -25

Nays:

Senators:

Little and Mitchell - 2

Abstaining: Senator Hale - 1

BUDGET ISOLATION RESOLUTION

Senator Bailey then requested and received permission to suspend the Rules in order to bring up the Bill, HB 879.

Senator Bailey, B.I.R., HB 879, adopted.

Yeas 25 Nays 2
Abstaining 1

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Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill, Horn, Langford, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

Senators:

Little and Mitchell - 2

Abstaining: Senator Hale - 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 879. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

was read a third time at length and passed.

Yeas 25 Nays 2
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill, Horn, Langford, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

Senators:

Little and Mitchell - 2

Abstaining: Senator Hale - 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 590. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Also:

S. 624. Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

Also:

S. 665. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 553. Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

Also:

S. 594. Relating to Calhoun County; providing that the Calhoun County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

Also:

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 413. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

Also:

S. 559. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

Also:

S. 560. Providing for a board of education for the City of Cullman, to be elected by the qualified electors of the city from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 767. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brewton in Escambia County.

Also:

H. 774. To authorize the City of Brewton in Escambia County to construct, maintain and operate a cable television service.

Also:

H. 776. To amend Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), relating to Coffee County and providing a special recording fee for documents filed in the office of the judge of probate, to further provide for the distribution of the fee.

Also:

H. 777. Relating to Coffee County, to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of the licenses.

Also:

H. 779. Relating to Lawrence County; to alter, rearrange, and extend the boundary lines and corporate limits of the Town of North Courtland to cause areas east of and contiguous to existing corporate limits to be included within the Town.

Also:

H. 781. Relating to Houston County; providing for the county commission to reimburse the office of license commissioner, judge of probate, or revenue commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

Also:

H. 794. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

Also:

H. 799. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Also:

H. 813. To authorize the Morgan County Commission and any

municipality located in Morgan County to contract for the administration and enforcement by the Morgan County Commission of any tax or license ordinance enacted by such municipality and the collection of taxes and license fees due thereunder; to provide for compensation for the Morgan County Commission in providing said services; to provide powers and authorities to the Morgan County Commission in administering and enforcing said tax and license ordinances; to provide for severability; and to provide an effective date.

Also:

H. 815. Relating to Marshall County; to provide for the appointment, authority, and terms of office of the emergency telephone service board of commissioners.

Also:

H. 899. Relating to Coosa County; providing that the judge of probate shall maintain a general register for certain instruments filed in the office.

Also:

H. 902. Relating to Barbour County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Also:

H. 905. Relating to Tallapoosa County; providing for the operation and management of an inmate commissary at the Tallapoosa County detention facility, retroactive to April 7, 1992.

Also:

H. 918. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Also:

H. 760. Relating to Lawrence County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county courthouse in a special fund to be used by the sheriff for law enforcement purposes.

Also:

H. 761. Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

Also:

H. 762. Relating to Escambia County; providing further for the compensation of poll workers.

Also:

H. 766. Relating to Escambia County; to repeal Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) of the Legislature of Alabama, providing salaries for the sheriff's deputies and fixing the number of deputies.

Also:

H. 835. Relating to Morgan County; providing for an additional expense allowance and salary for the coroner.

Also:

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Also:

H. 897. Relating to Coosa County; to repeal Act No. 830, H. 1091, 1969 Regular Session, relating to the compensation of the county solicitor.

Also:

H. 816. Regulating the liquor traffic in Marshall County; providing for certain taxes on alcoholic beverages in any community development district in the county and distributing the proceeds from the taxes.

Also:

H. 818. Relating to Pike County; to provide a salary for the Judge of Probate of Pike County.

Also:

H. 895. Relating to Coosa County; to repeal Act No. 946, H. 1752, 1975 Regular Session, relating to the supernumerary status of the sheriff.

Also:

H. 896. Relating to Coosa County; to repeal Act No. 285, H. 249, 1965 Regular Session, as amended, relating to the reimbursement of certain expenses of the county solicitor.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 673, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 673. Relating to Coffee County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 673, to-wit:

AMENDMENT TO SB 673

On page 1, line 22, in Section 1, delete the words "County Courthouse" and insert in lieu thereof the following:

courthouse

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell,
deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill,
Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders,
Smith (B), Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 673, as thus amended, was read a third time at
length and passed, and ordered sent forthwith to the House upon
engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton,
Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Langford,
Lindsey, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner,
Wilson, and Windom -25

Nays:

- 0

On motion of Senator Campbell, the provisions of Rule 35(b) were
suspended to allow transmittal to the House of the Bill, SB 673.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 674, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
Denton, Dial, Dixon, Escott-Russell, Hale, Hill, Langford, Lindsey,
Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner,
Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 674. To create a new district judgeship for Cullman County.

was read a third time at length and passed, and ordered sent forthwith to
the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Figures, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

On motion of Senator Campbell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 674.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 583, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 583. Relating to Macon County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 633, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hill, Horn, Langford, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 633. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Dothan City Board of Education.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 873, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Wilson

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 873. Relating to the City of Carbon Hill in Walker County

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and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Carbon Hill Police Officers covered by the Minimum Standards Act; and to provide for implementation of this act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 927, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 927. Relating to Russell County; providing for the Russell County Commission to establish a special reserve fund for the Russell County Motor Vehicle License Commissioner for the payment of losses incurred from certain worthless checks and other instruments; providing for reimbursement of the reserve fund; providing for documentation, maintenance, and accounting of the reserve account; and requiring that the commissioner insure his or her employees exercise due care and attempt to collect all funds due.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Horn, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 935, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 935. Relating to Lawrence County; establishing a recreation and drug abuse program; providing for funding of the program from money donated by Champion International; and providing for distribution of the funds by a board composed of the Circuit Judge, Sheriff, and the County Superintendent of Education.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Smith (B) -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 947, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 947. Establishing the powers and authority and requirements of district attorney's investigators of the thirty-sixth judicial circuit of Alabama.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 950, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchem, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 950. To amend Section 5 of Act No. 91-719, H. 1096, 1991

Regular Session (Acts 1991, p. 1389), providing a planning and zoning commission for the unincorporated areas of Baldwin County, to further provide the procedure for adoption of ordinances and regulations.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 954, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hill, Horn, Lindsey, Lipscomb, Mitchell, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 954. Relating to Baldwin County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried,

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Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 667, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hill, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 667. Relating to the City of Tallassee; amending Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, providing for the election of the city board of education, to specify that members of the board shall serve without compensation.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 900, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried,

Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 900. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

H. 994. Relating to Randolph County; to create a license-issuing division within the office of the revenue commissioner for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses; to provide that the fees shall be established by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to provide for the issuance of licenses by the office of the revenue commissioner; to provide that the salary of the revenue commissioner not be increased for the performance of these additional duties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

**REGULAR SESSION
28th Day**

2069

**ATTACHED TO THE BILL, HB 994, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Holley (With Notice and Proof):

H. 995. Relating to Coffee County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 995, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Bowling (With Notice and Proof):

H. 996. Relating to the 32nd Judicial Circuit and the City of Cullman; to levy certain additional costs and charges of court, to provide that the cost and charges be placed in a special D.A.R.E. (Drug Abuse Resistance Education) Fund, to fund the D.A.R.E. program, establish a governing board, and provide for disbursement of the funds.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 996, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Thomas (With Notice and Proof):

H. 998. Relating to Lowndes County, providing for the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund, providing for the use of such fund and repealing Act No. 81-421, H. 970, 1981 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 998, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Bowling (With Notice and Proof):

H. 1000. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 1000, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 994, 995, 996, 998, and 1000 - to the Committee on Local
Legislation No. 1

(The above numbered Bill, HB 1000, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Walker (With Notice and Proof):

H. 988. Relating to the 15th Judicial Circuit of Alabama; to provide for the supplemental salaries of the district judges of the 15th Judicial Circuit; and to specifically repeal Act No. 84-479, H. 956 of the 1984 Regular Session (Acts 1984, p. 1100).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 988, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Walker (With Notice and Proof):

H. 1006. Relating to Montgomery County; to authorize the Sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; providing for deposit of such funds in a designated fund; and to provide for the use of such fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 1006, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Walker (With Notice and Proof):

H. 1007. Relating to Montgomery County; fixing the fee for issuance of a pistol permit by the Sheriff or his or her designated agent; providing for the distribution and deposit of such fees; providing for a fund to be entitled as the "Sheriff's Fund" and providing for the use of such fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 1007, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 988, 1006, and 1007 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers (With Notice and Proof):

H. 1005. Relating to Pike County; to provide for the election of the Pike County Board of Education from six single-member districts; to define the boundaries of the districts; to include within those districts all of Pike County; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; to establish staggered terms of office for board members; and to repeal Act 81-747, H. 1120, 1981 Regular Session (1981 Acts, p. 1274), and Act 90-123, H. 612, 1990 Regular Session (1990 Acts, p. 142).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1005, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1005 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 973. Relating to Calhoun County; to confirm that the Legislature may create a public corporation to assist or aid Calhoun County or any municipality therein in promoting industry, trade, and economic development and grant powers to the public corporation as the Legislature may consider necessary or desirable; to ratify Act No. 82-222 enacted at the 1982 Regular Session of the Alabama Legislature provid-

ing for the creation of the Calhoun County Economic Development Council; to approve amendments of and supplements to Act No. 82-222; and to ratify all actions taken and obligations incurred by the Calhoun County Economic Development Council prior to the date of the ratification of this amendment.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 973 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

The House has originated and passed the following Bill:

By Rep. Venable (With Notice and Proof):

H. 1003. Relating to Elmore County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; and to transfer certain duties and responsibilities now performed by the revenue commissioner to the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1003, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1003 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 871. Relating to Morgan County; providing that all existing expense allowances for a county commissioner shall be incorporated into his or her salary beginning with the next term of office of the commissioner.

Also:

H. 876. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session, which provides for a civil service system for the city, to provide further for compensation of the board members and the chair of the board.

Also:

H. 877. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

Also:

H. 878. Relating to Tuscaloosa County; to provide the procedure for members of the Tuscaloosa County Board of Registrars to be covered under the Tuscaloosa County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Tuscaloosa County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

Also:

H. 881. Relating to Clay County; to provide that the county commission may establish and adopt voting centers by resolution.

Also:

H. 894. To amend Act No. 88-387, H. 778, 1988 Regular Session, (Acts 1988, p. 576), relating to Dallas County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee; and to repeal Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), relating to Dallas County, and providing the fee for the issuance of a pistol permit by the sheriff.

Also:

H. 862. Relating to the Fourteenth Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Fourteenth Judicial Circuit.

Also:

H. 867. Relating to Bibb County; providing for an additional special transaction fee on certain property when it is assessed for ad valorem taxes and providing for disposition of funds from the additional fees.

Also:

H. 868. Relating to Bibb County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

Also:

H. 870. Relating to the Sheriff of Tallapoosa County; providing that the sheriff shall be responsible for the training and supervision of all employees of the office of the sheriff.

Also:

H. 882. Relating to Dallas County; providing for certain additional issuance fees on motor vehicle license tags and plates and distributing the proceeds from the additional fees.

Also:

H. 889. Relating to Pickens County; abolishing the office of constable.

Also:

H. 856. Relating to Chambers County; providing for the ap-

pointment of the county superintendent of education; repealing Act No. 71, S. 96, 1935 Regular Session, which provided for the election of the county superintendent; and providing for a referendum.

Also:

H. 860. Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

Also:

H. 912. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas west of and contiguous to existing corporate limits to be included within the Town.

Also:

H. 861. Relating to Walker County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work release programs in Walker County; and to repeal conflicting laws.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after

their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994 and to create the Alabama Emergency Medical Services Education Commission to distribute funds appropriated by the Legislature.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 91. COMMENDING VAUGHN ROAD ELEMENTARY SCHOOL, RECIPIENT OF RED BOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT AWARD.

Also:

SJR 92. DESIGNATING APRIL 25, 1993, AS WORKERS' MEMORIAL DAY.

Also:

SJR 93. CONGRATULATING MRS. ELLA HOLLIS RACHEL ON THE OCCASION OF HER 111TH BIRTHDAY.

Also:

SJR 94. COMMENDING MR. LONNIE DANIEL OF HOOVER, ALABAMA.

Also:

SJR 95. MOURNING THE DEATH OF WOODROW B. THRASH OF HEFLIN, ALABAMA.

Also:

SJR 98. RECOGNIZING THE HEROIC SERVICE OF THE 182ND FIELD ARTILLERY BATTALION, AND WELCOMING ITS OFFICERS TO ALABAMA FOR THEIR ANNUAL REUNION.

Also:

SJR 101. COMMENDING JANE DIFLEY ON OUTSTANDING ACHIEVEMENTS.

Also:

SJR 102. CONGRATULATING MR. AND MRS. STEVE VICKERY ON THE BIRTH OF THEIR NEW SON AND DAUGHTER.

Also:

SJR 103. COMMENDING VANIA CLEMONS AS MISS AUBURN 1993-94.

Also:

SJR 104. COMMENDING DR. BURL T. PATTERSON OF MOBILE, ALABAMA.

Also:

SJR 105. CONGRATULATING THE HELEN KELLER PUBLIC LIBRARY OF TUSCUMBIA, ALABAMA, ON 100 YEARS OF CONTINUOUS SERVICE.

Also:

SJR 107. DESIGNATING THE MAIN COURTROOM IN THE CLAY COUNTY COURTHOUSE AS THE "JUSTICE HUGO L. BLACK COURTROOM."

Also:

SJR 108. CONGRATULATING WILLIAM M. "BILLY" BEASLEY AS THE NEW OWNER OF TOOMER'S DRUGS IN AUBURN.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 113. COMMENDING THE TROY STATE UNIVERSITY BASKETBALL TEAM.

Also:

SJR 114. COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

SJR 115. COMMENDING SELMA HIGH SCHOOL SAINTS ON AN OUTSTANDING 1993 BASKETBALL SEASON.

Also:

SJR 116. COMMENDING THE DALLAS COUNTY HIGH SCHOOL HORNETS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

SJR 117. COMMENDING THE SOUTHSIDE HIGH SCHOOL PANTHERS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 120. MOURNING THE DEATH OF WALLACE O. WHALEY.

Also:

SJR 121. CONGRATULATING MARIANTHE GRAMMAS.

Also:

SJR 122. DESIGNATING THE ROUTE OF THE CAHABA TRACE AS THE CAHABA TRACE OF ALABAMA.

Also:

SJR 125. RECOGNIZING THE ACCOMPLISHMENTS OF THE GREENE COUNTY CHAPTER II GIFTED/ENRICHMENT PROGRAM.

Also:

SJR 126. COMMENDING NORMAN ATKINS, JR., ON OUTSTANDING ACHIEVEMENTS.

Also:

SJR 127. COMMENDING AND EXPRESSING APPRECIATION TO THE ALABAMA POWER COMPANY EMPLOYEES.

Also:

SJR 128. NAMING THE "BILL FRANCE BOULEVARD" IN TALLADEGA COUNTY, ALABAMA.

Also:

SJR 130. RECOGNIZING HENRY HOLBERT ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 131. MOURNING THE DEATH OF JEAN SPENCER HINDS OF MONTGOMERY, ALABAMA.

Also:

SJR 133. COMMENDING THOMAS WILLIAM PARISH, SR., OF CLAYTON, ALABAMA.

Also:

SJR 106. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 727. Relating to Shelby County; to establish a civil service system and provide for classified services; to establish a personnel board and provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; to exempt the chief clerks in the offices of the judge of probate, the tax collector, and the tax assessor from the civil service system and the classified services; and to provide penalties.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 66. Relating to Morgan County; amending Act No. 78-742, as amended by Act No. 80-276 so as to further define the terms "sale" and "sales" and to provide for the collection of the special county privilege license tax levied by said acts by the Morgan County Commission instead of the State Department of Revenue.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 848. Relating to Cullman County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; and prescribing penalties and fixing punishment for violation of this act.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 610. Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

GREG PAPPAS,
Clerk.

RECESS

At 1 o'clock P.M., on motion of Senator Foshee, the Senate took a recess until 2:30 P.M.

At 2:30 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 138. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Eighth Legislative day only.

	Page
S. 675	202
Employees' Retirement System, reopened for purchase of prior service credit as a co. solicitor	
H. 277	218
Education Dept., approp.	
H. 113	146
Recycling, Industry and Market Council estab.	

On motion of Senator Amari, the Resolution was adopted by the Senate.

**UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMEDN**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 21. To propose an amendment to the Constitution of Alabama of 1901, to levy an additional one mill ad valorem tax, and providing for the distribution of the proceeds.

and pending Amari amendment No. 2, which said amendment is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

On motion of Senator Bedsole, said amendment was laid on the table.

Senator Corbett offered the following amendment to the Bill, HB 21, to-wit:

AMENDMENT TO HB 21

On page 3, line 10, delete the numbers "45.007" and insert in lieu thereof the following:

56.885

On page 4, line 12, delete the numbers "16.878" and insert in lieu thereof the following:

5

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 610. Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

Also:

H. 848. Relating to Cullman County; authorizing the county commission to levy an additional one-cent sales and use tax; providing

for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 66. Relating to Morgan County; amending Act No. 78-742, as amended by Act No. 80-276 so as to further define the terms "sale" and "sales" and to provide for the collection of the special county privilege license tax levied by said acts by the Morgan County Commission instead of the State Department of Revenue.

Also:

H. 727. Relating to Shelby County; to establish a civil service system and provide for classified services; to establish a personnel board and provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; to exempt the chief clerks in the offices of the judge of probate, the tax collector, and the tax assessor from the civil service system and the classified services; and to provide penalties.

Also:

HJR 430. RELATIVE TO MEETING DAYS.

Also:

HJR 436. DESIGNATING ACT 90-624 OF THE 1990 REGULAR SESSION THE JOHN WALLACE ACT.

Also:

HJR 460. MOURNING THE DEATH OF MRS. JULIA ARMYNE DOUMIT ZOGHBY OF MOBILE, ALABAMA.

Also:

HJR 463. COMMENDING LAURETTA FREEMAN OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

Also:

HJR 465. COMMENDING EVELYN H. WAMBLES UPON THE OCCASION OF HER RETIREMENT.

Also:

HJR 466. COMMENDING T. H. "TOM" KELLY, JR., ON THE OCCASION OF HIS RETIREMENT.

Also:

HJR 468. RELATIVE TO MEETING DAYS.

Also:

HJR 435. RECOGNIZING COUNTRY BOY EDDIE AND HAPPY HAL BURNS.

Also:

HJR 437. COMMENDING T. W. MITCHELL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

HJR 438. COMMENDING THE PARTICIPANTS IN LEADERSHIP BALDWIN COUNTY, 1992-93.

Also:

HJR 439. COMMENDING SAM SPENCER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

HJR 448. DESIGNATING MAY 21, 1993, AS "THE RALPH R. DRESSLER DAY IN ALABAMA."

Also:

HJR 451. RECOGNIZING THE HUMANISTIC CHALLENGERS CLUB FOR 40 YEARS OF OUTSTANDING CONTRIBUTIONS AND ACCOMPLISHMENTS.

Also:

HJR 457. COMMENDING CHRIS PARK OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

Also:

HJR 453. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

HJR 454. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

HJR 455. COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

Also:

HJR 452. COMMENDING ALBERT MASON, JR., J.C. PENNEY STORES' 1992 CHAIRMAN'S AWARD WINNER.

Also:

HJR 456. MOURNING THE DEATH OF ASHLEY LEONIDAS CAMP, JR., OF MUNFORD, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting such investments; to delete reference to the Federal Savings

and Loan Insurance Corporation and add references to the Bank Insurance Fund and Savings Association Insurance Fund; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Environmental Management Commission.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 5th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ronald W. Wise from Montgomery, Alabama to serve as a member of the Alabama Environmental Management Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 5th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Environmental Management Commission.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 5th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard E. Brown from Montgomery, Alabama to serve as a member of the Alabama Environmental Management Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 5th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Environmental Management Commission.

Respectfully submitted,

FRANKIE DAVIS,
Appointments Secretary.

Done this 5th day of May, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. David McGiffert from Tuscaloosa, Alabama to serve as a member of the Alabama Environmental Management Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 5th day of May, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to Alabama Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 303. Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 673. Relating to Coffee County; authorizing the county com-

mission to levy an additional ad valorem tax and providing for a referendum.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 141. To allow certain appellate judges to purchase credit for active military service up to four years of creditable service in the Judicial Retirement System.

Also:

S. 162. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 21

The Senate proceeded to further consideration of the Bill, HB 21. The question was on the Corbett amendment.

Which was adopted.

Yeas 20 Nays 8

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Dixon, Escott-Russell, Floyd, Foshee, Horn, Langford, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -20

Nays:

Senators:

Bedsole, Denton, Dial, Ellis, Hill, Lipscomb, Little, and Mitchell - 8

Senator Floyd offered the following amendment to the Bill, HB 21, as amended, to-wit:

AMENDMENT TO HB 21, AS AMENDED

Amend House Bill 21, as amended, on page 4, line 12 after the "." by adding the following language:

"In no event shall the proceeds herein be expended for or used by any private organization for any purpose, including legal costs."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

Senator Amari offered the following amendment No. 3 to the Bill, HB 21, as amended, to-wit:

AMENDMENT NO. 3 TO HB 21, AS AMENDED

Amend HB 21, as amended, on page 4, line 12, in subsection (4) by inserting before the word "programs" the following:

"fire repression and prevention"

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Wilson -24

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 304. To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 21

The Senate proceeded to further consideration of the Bill, HB 21, as amended.

Senator Horn offered the following amendment to the Bill, HB 21, as amended, to-wit:

AMENDMENT TO HB 21, AS AMENDED

Amend House Bill 21, as amended, on page 2, line 22 by deleting the figure "23.910" and inserting in lieu thereof the figure "22.71".

Further amend the bill, as amended, on page 3, after line 5 by adding the following language and renumbering all subsequent sections accordingly:

"(2) To be allocated to Lawson State Community College for fire prevention and fire education programs, .60 percent of the proceeds.

(3) To be allocated to Jefferson State Community College for fire prevention and fire education programs, .60 percent of the proceeds."

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 900. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

Also:

H. 935. Relating to Lawrence County; establishing a recreation and drug abuse program; providing for funding of the program from money donated by Champion International; and providing for distribution of the funds by a board composed of the Circuit Judge, Sheriff, and the County Superintendent of Education.

Also:

H. 947. Establishing the powers and authority and requirements of district attorney's investigators of the thirty-sixth judicial circuit of Alabama.

Also:

H. 954. Relating to Baldwin County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

Also:

H. 667. Relating to the City of Tallassee; amending Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, providing for the election of the city board of education, to specify that members of the board shall serve without compensation.

Also:

H. 950. To amend Section 5 of Act No. 91-719, H. 1096, 1991 Regular Session (Acts 1991, p. 1389), providing a planning and zoning commission for the unincorporated areas of Baldwin County, to further provide the procedure for adoption of ordinances and regulations.

Also:

H. 583. Relating to Macon County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

H. 873. Relating to the City of Carbon Hill in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Carbon Hill Police Officers covered by the Minimum Standards Act; and to provide for implementation of this act.

Also:

H. 879. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

Also:

H. 927. Relating to Russell County; providing for the Russell

County Commission to establish a special reserve fund for the Russell County Motor Vehicle License Commissioner for the payment of losses incurred from certain worthless checks and other instruments; providing for reimbursement of the reserve fund; providing for documentation, maintenance, and accounting of the reserve account; and requiring that the commissioner insure his or her employees exercise due care and attempt to collect all funds due.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 633. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Dothan City Board of Education.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 715. Proposing an amendment to the Constitution of 1901;

relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes when all the requirements of Amendment 425 to the Constitution of 1901, are fulfilled.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 21

The Senate proceeded to further consideration of the Bill, HB 21, as amended. The question was on the Horn amendment.

Which was lost.

Yeas 7 Nays 15

Yeas:

Senators:

Bennett, Corbett, Escott-Russell, Horn, Parsons, Waggoner, and Wilson - 7

Nays:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Denton, Dial, Dixon, Foshee, Hale, Hill, Langford, Little, Mitchem, Owens, and Windom -15

On motion of Senator Bailey, the Senate reconsidered the vote by which the Horn amendment to the Bill, HB 21, as amended, was lost.

And said amendment was then adopted.

Yeas 12 Nays 1
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Bennett, Corbett, Escott-Russell, Floyd, Ghee, Horn, Little, Parsons, Waggoner, and Windom -12

Nay: Senator Dixon - 1

Abstaining: Senator Sanders - 1

The President Pro Tempore and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, HB 21, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Wilson, and Windom -27

Nays:

- 0

Senator Bedsole moved that the Senate reconsider the vote by which the Bill, HB 21, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 141. To allow certain appellate judges to purchase credit for active military service up to four years of creditable service in the Judicial Retirement System.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents or the designees of the superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

Also:

S. 413. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

Also:

S. 553. Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

Also:

S. 560. Providing for a board of education for the City of Cullman, to be elected by the qualified electors of the city from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

Also:

S. 590. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Also:

S. 594. Relating to Calhoun County; providing that the Calhoun

County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

Also:

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

Also:

S. 624. Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

Also:

S. 665. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 550. To propose a constitutional amendment relating to the

volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

Also:

S. 559. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 4. To establish the Alabama Small Business Incubator Act of 1994 to promote, establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and make an appropriation.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 763. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medi-

cal technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the Bill, HB 48.

Senator Bedsole, B.I.R., HB 48, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 48. To further provide for the use of the proceeds of any special ad valorem tax for fire protection purposes levied pursuant to an amendment to the Constitution of Alabama of 1901 proposed at the 1993 Regular Session; to provide for use of the revolving fund to be administered by the State Treasurer paid fire departments or paid fire districts for an advisory board to advise the State Treasurer; and to provide for the dissolution of fire departments and formation of new fire departments receiving proceeds of the special ad valorem tax.

was taken up.

Senator Corbett offered the following amendment to the Bill, HB 48, to-wit:

AMENDMENT TO HB 48

On page 2, line 20, delete the following figure "44.944" and insert in lieu thereof the following figure:

56.885

On page 3, line 15, delete the following figure "16.854" and insert in lieu thereof the following figure:

5.0

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -26

Nays:

- 0

Senator Floyd offered the following amendment to the Bill, HB 48, as amended, to-wit:

AMENDMENT TO HB 48, AS AMENDED

Amend House Bill 48, as amended, on page 3, line 15 after the "." by adding the following language:

"In no event shall the proceeds herein be expended for or used by any private organization for any purpose, including legal costs."

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -26

Nays:

- 0

Senator Horn offered the following amendment to the Bill, HB 48, as amended, to-wit:

AMENDMENT TO HB 48, AS AMENDED

Amend House Bill 48, as amended, on page 2, line 6 by deleting the figure "23.876" and inserting in lieu thereof the figure "22.676".

Further amend the bill, as amended, on page 3, after line 8 by

adding the following language and renumbering all subsequent sections accordingly:

"(2) To be allocated to Lawson State Community College for fire prevention and fire education programs, .60 percent of the proceeds.

(3) To be allocated to Jefferson State Community College for fire prevention and fire education programs, .60 percent of the proceeds."

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -26

Nays:

- 0

Senator Amari offered the following amendment to the Bill, HB 48, as amended, to-wit:

AMENDMENT TO HB 48, AS AMENDED

Amend HB 48, as amended, on page 3, line 15, in subsection (3) by inserting before the word "programs" the following:

"fire repression and prevention"

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -26

Nays:

- 0

And said Bill, HB 48, as thus amended, was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -29

Nays:

- 0

RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 139. RECOGNIZING WILLIAM B. KENNEDY, JR. ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with sincere tribute that the Alabama Legislature recognizes William B. "Bill" Kennedy Jr. upon his forthcoming retirement, effective August 1, 1993, from a distinguished tenure as vice president of the Mid-Continent Oil and Gas Association; and

WHEREAS, Bill Kennedy, as vice president of the Mid-Continent Oil and Gas Association since 1988, has represented the association in an exceptional and highly professional manner by working diligently with the Alabama Legislature on matters of mutual interest both to the industry and to the state; and

WHEREAS, having a wealth of prior experience with Shell Oil Company, Bill Kennedy was able to bring industry experience to his position of representing firms engaged in the exploration and production of oil and natural gas, transportation and other business interests of the total petroleum industry; and

WHEREAS, Mr. Kennedy, a United States Marine Corps veteran, who achieved the rank of major, was employed with Shell Oil for some thirty-one years in all segments of the company's activities, and held the position of administrative services manager at the company's Odessa, Texas refinery and at the New Orleans Taft Chemical Plant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, August 1, 1993, and in recognition of outstanding achievement and service, we hereby most highly commend William B. Kennedy, Jr., to whom a copy of this resolution shall be presented, with sincere personal regard and best wishes for every future success and happiness in retirement.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Senate non-concurred in the following House amendment to the Bill, SB 278, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 278**A BILL
TO BE ENTITLED
AN ACT**

To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Secretary of State may implement a uniform system of electronic voting in any county participating in the pilot project for establishing a uniform system of electronic voting provided for in Act No. 91-562. The Secretary of State may provide through the pilot project for the administration, and educational support of a uniform system to enable counties to immediately and electronically obtain all vote totals, and to enable a county to immediately transfer by electronic

means all election vote totals, and other totals from a participating county directly to the office of the Secretary of State on a timely and economic basis.

Section 2. Any county participating in the pilot project may be eligible to receive funding from the state for 50 percent of the costs to lease purchase an electronic voting system for a period not to exceed eight years from funds appropriated for election purposes which may accrue from savings in administrative and printing expense through the use of electronic voting. The Secretary of State may use as a guideline in determining the funds available for state reimbursement for the pilot project to a participating county the amount of the state reimbursement to the counties for election purposes and printing costs who had leased election systems during the 1988, 1990, and 1992 election years. Any county participating in the pilot project may receive funding from the state for 50 percent of the annual county lease purchase payment for the electronic system in lieu of reimbursement to the county for future voting machine ballot printing costs.

Section 3. After the establishment of the uniform system of electronic voting through the implementation of the pilot project, the Secretary of State may provide for the orderly acceptance of counties requesting to participate in the state uniform system. The Secretary of State may establish a list of counties requesting to participate in the state uniform system based on the order of receipt of the resolution of a county governing body. After the Secretary of State has accepted a county in the state uniform system, a county may be eligible for reimbursement of 50 percent of the costs of a lease purchase agreement or contract of not more than eight years in length to purchase an electronic voting system established by the pilot project. A county may be eligible for reimbursement only after the receipt of a voucher from the county governing body with a copy of a lease purchase agreement or contract meeting the specifications of this act attached. The state may continue to annually reimburse the county for 50 percent of the lease purchase agreement or contract which payment may be in lieu of voting machine ballot printing costs payments by the state to the participating county in the future.

Section 4. This act may become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a Committee on Conference.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton,

Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Little,
Mitchell, Sanders, Smith (B), Smith (J), and Windom -21

Nays:

- 0

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Dial, Bennett, and Foshee.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HB 219

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning HB 219, have met, considered the Bill as substituted, and have agreed to the following report:

Respectfully submitted,

MICHAEL BOX,
JOHN P. BEASLEY,
MIKE MIKELL,

Conferees on the part of the House.

DANNY CORBETT,
GEORGE R. BOLLING,
LOWELL BARRON,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 219

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, provide further for the qualifications, nomination, election, and appointment of board members, and provide further for reimbursement for relief pharmacists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama State Board of Pharmacy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama State Board of Pharmacy, created and functioning pursuant to Sections 34-23-90 to 34-23-118, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 20-2-90, 34-23-90, and 34-23-91 of the Code of Alabama 1975, are amended to read as follows:

"§20-2-90.

"(a) ~~It shall be the duty of the~~ The state board of pharmacy and its drug inspectors ~~to~~ shall enforce all provisions of this chapter. The agents and officers of this department of public safety, the drug and narcotic agents and inspectors of the state board of health, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and all peace officers of the state and all prosecuting attorneys are also charged with the enforcement of this chapter. The agents and officers of the department of public safety, the drug inspectors of the state board of pharmacy, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and the drug and narcotic agents and inspectors of the state board of health shall have the powers of peace officers in the performance of their duties to:

"(1) Make arrests without warrant for any offense under this chapter committed in their presence, or if they have probable cause to

believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony; .

"(2) Make seizures of property pursuant to this chapter; .

"(3) Carry firearms in the performance of their official duties.

"(b) In addition to the requirements of subsection (a), drug inspectors of the State Board of Pharmacy shall, beginning October 1, 1993, meet the minimum standards required of peace officers in this state.

"§34-23-90.

"(a) The Alabama state board of pharmacy is hereby vested with the authority to carry out the purposes of and enforce the provisions of this chapter. The board shall consist of five members, ~~at least one of which shall be actively engaged in the practice of pharmacy in a hospital.~~ The members of the board shall be licensed pharmacists who have been licensed in this state for a minimum of ~~40~~ 5 years and who are actively engaged in the practice of pharmacy or pharmacy administration, or both.

"(b) Three members shall be appointed by the Governor. Of the three appointed members, one member shall be engaged in the practice of pharmacy, or pharmacy administration, or both, in a hospital, one in an independent pharmacy, and one in a chain pharmacy. On or before ~~December 1 of 1981~~ August 1, 1996, and each five years thereafter, or whenever a vacancy occurs in the designated position for hospital pharmacists, the Alabama Society of Hospital Pharmacists shall submit a list of ~~five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a hospital pharmacy~~ three nominees to the Governor. On or before August 1, 1994, and each five years thereafter, or whenever a vacancy occurs in the designated position for a chain pharmacist, the Alabama Pharmacists' Association shall submit a list of three nominees to the Governor. On or before August 1, 1997, and each five years thereafter or whenever a vacancy occurs in the designated position for the independent pharmacist, the independent pharmacist members of the Alabama Pharmacists' Association shall submit a list of three nominees to the Governor. From the names submitted to the Governor, the Governor shall appoint a replacement on or before December 31 of the same year the nominations are received, for the member or members whose term is expiring. Background information shall be provided for each nominee for an appointed position.

"(c) On or before ~~December 1 of 1983~~ December 1, 1995, and each five years thereafter, and on or before December 1, 1998, and each

~~five years thereafter, or whenever a vacancy occurs, December 1 of 1984, December 1 of 1985, and five years from these dates or whenever a vacancy occurs in a nondesignated position, the board of trustees of the Alabama Pharmacists' Association shall select a committee of five pharmacists who are members of the association to serve as a nominating committee. No one on the committee shall be a candidate. The committee shall receive names of pharmacists actively engaged in pharmacy practice or administration, or both, from companies and individuals, and shall narrow the list of nominees to two names to be placed on a ballot to be voted on by all Alabama pharmacists. The election procedure for a nondesignated slot shall be as follows: Each candidate shall provide a biographical sketch of not more than 150 words, which shall include his or her most recent practice experience. The board shall mail election ballots and a biographical sketch of the candidates to Alabama licensed pharmacists by September 1. Completed ballots returned to the board postmarked by October 1 shall be tabulated. A pharmacist receiving a majority of the ballots received shall be considered the winner. If a runoff election is necessary, the runoff ballots shall be mailed to licensed pharmacists by November 1 and returned postmarked by December 1. A canvassing committee consisting of a representative from the Alabama Pharmacists' Association, Alabama Society of Hospital Pharmacists, Auburn University School of Pharmacy, and Samford University School of Pharmacy shall tabulate the ballots. the Alabama Pharmaceutical Association shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a retail pharmacy. From the names submitted to the governor, he shall appoint a replacement for the member(s) whose term is next expiring on or before December 31 of the same year in which he receives the nominations.~~

~~"(d) Any vacancies occurring on the board other than by expiration of term shall be filled by election or appointment only for the unexpired term by appointment by the governor from the most recent list of nominations submitted. The first vacancy which occurs on the board following the passage of this section shall be filled from the list submitted by the statewide professional organization representing those actively engaged in the practice of pharmacy in a hospital and shall be filled by the same procedure that the replaced member was elected or appointed. Each member of the board shall serve a term of five years beginning on January 1 following his appointment and terminating on December 31 of his or her fifth year as a member of the board, or until his successor is appointed and duly qualified.~~

~~"(b) (c) No member shall be eligible to serve more than two full consecutive terms of office. No pharmacist shall serve two full terms consecutively.~~

~~"(e) (f) The governor, upon recommendation of the board, may~~

remove a member of the board upon proven charges of inefficiency, incompetency, immorality, or professional misconduct. The replacement member shall be elected or appointed by the same procedure that the removed member was elected or appointed. Appointees to the board shall within 30 days after their appointment or election take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the secretary of state. At its last regular meeting in each calendar year, the board shall organize by electing for a term of one year, effective the following January 1, a president, a vice-president, and a treasurer who shall be members of the board. No member shall serve more than two years in the same office on the board during a five-year term. The board shall also elect a secretary who ~~may or may not~~ shall not be serve as a member of the board ~~and who shall be compensated for his services by the board,~~ and the board shall have the authority to fix the amount of the secretary's remuneration. If a board member is selected as secretary, the board member shall resign from the board and a replacement on the board shall be selected by the same procedure by which the resigned member was originally elected or appointed. The secretary shall not be employed during the service by any registrant of the board.

"(g) For the purpose of this section, a chain pharmacy shall be defined as any retail pharmacy employing in Alabama a minimum of 40 full-time equivalent pharmacists. A chain pharmacist is defined as a pharmacist employed on a full-time basis by a chain pharmacy for a minimum of three years.

"(h) It is the intent of the Legislature that the composition of the board reflect the demographics of the pharmacy profession.

"§34-23-91.

"The president of the board shall preside at all of the board's meetings, ~~and in his absence or inability, the~~ The vice-president shall preside in the absence or inability of the president. The secretary of the board shall be the executive officer in charge of the board's office. He The secretary shall make, keep, and be in charge of all records and record books required to be kept by the board, including a register containing all information which shall be required under this chapter. ; he The secretary shall attend to the correspondence of the board and shall perform such any other duties as the board may require in keeping with the office of secretary. He The secretary shall receive and record all fees collected under this chapter and, at regular intervals as ordered by the board, shall pay the same over fees to the treasurer of the board for its use. The secretary is empowered to may have such any forms printed and office supplies furnished as may be necessary to carry out the provisions of implement this chapter. The secretary and treasurer of the

board shall each furnish bond in an amount to be fixed by the board, ~~the same to and shall~~ be conditioned upon the faithful performance and discharge of their respective official duties. The members of the board shall be paid the same per diem and travel allowance as is paid by law to state employees while engaged in the performance of the duties of the board, in addition to any daily compensation or allowance, ~~if any, as may be provided determined by the board, in such amount as may be determined by the board.~~ The board shall likewise determine and fix the daily rate for payment of relief pharmacists. The board shall conduct meetings at least three times annually and more often when deemed necessary for the examination of applicants for licensure and for the transaction of such business as may legally come before it. Public notice of all stated meetings shall be given at least 30 days in advance of ~~said the~~ meetings. At all meetings of the board, a majority shall constitute a quorum. ~~The members of the board shall determine the place of meetings of the board shall be at the discretion of the members.~~ The treasurer of the board shall have in his custody of all funds derived from the various provisions of this chapter. All disbursements shall be made by check as authorized by vouchers signed by the president and secretary of the board. The books and records of the board as made and kept by the secretary or under his supervision shall be prima facie evidence of the matter therein recorded in any court."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 219, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 219, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Corbett the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill,

HB 219, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Parsons, Smith (J), and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 675, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Smith (B), Smith (J), and Windom -19

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 675. Relating to the Employees' Retirement System; allowing a vested member of any component system or fund of the retirement system to purchase up to a certain amount of certain prior service credit and providing for payment for the prior service credit.

And said Bill, SB 675, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 4

Yeas:

Senators:

Barron, Bennett, Campbell, Corbett, Denton, Dial, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Mitchell, Owens, Smith (B), and Waggoner -16

Nays:

Senators:

Bailey, Hill, Little, and Windom

- 4

On motion of Senator Hale, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 675.

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., HB 277, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 277. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1994.

was taken up.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, HB 277, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

GREG PAPPAS,
Clerk.

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

SR 140. PROVIDING THAT THE PROVISIONS OF SEC-

TION 261 TO THE 1901 CONSTITUTION OF ALABAMA, SHALL NOT APPLY.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the provisions of Section 261 to the 1901 Constitution of Alabama, shall not be applicable in this house to:

H. 222

On motion of Senator Parsons, the Resolution was adopted by the Senate.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

H. 222. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 222, to-wit:

SUBSTITUTE FOR HB 222

A BILL TO BE ENTITLED AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1994, for debt service, and for capital outlay to be paid out of funds

specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1994, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total	
	Earmarked Funds	Appropriation Total
ASETF		

SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program		101,816
SOURCE OF FUNDS:		
(1) ASETF	101,816	
Total American Legion and Auxiliary Scholarships.....	101,816	101,816
To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.		

	Fund Sources Included In Appropriation Total	
	<u>ASETF</u>	<u>Earmarked Funds</u> <u>Appropriation Total</u>
2. ARTS, STATE COUNCIL ON THE:		
(a) Fine Arts Program		2,729,048
SOURCE OF FUNDS:		
(1) ASETF	1,954,048	
(2) Federal and Local Funds		775,000
Total State Council on the Arts	1,954,048	2,729,048
3. CHILD ABUSE AND NEGLECT PREVENTION BOARD:		
(a) Social Services Program		432,000
In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.		
SOURCE OF FUNDS:		
(1) ASETF	432,000	
Total Child Abuse and Neglect Prevention Board	432,000	432,000
4. DEBT SERVICE:		
(a) Debt Service Program		649,708
For interest on endowments as follows:		
For interest on University of Montevallo (Alabama College) Endowment, Estimated		
For interest on Auburn University Endowment		
For interest on University of Alabama Endowment		
For interest on Grove Hill Endowment		
For interest on Public School Fund Endowment:		
Interest on 16th Section Lands, Estimated		
Interest on School Indemnity Lands, Estimated		
Interest on Valueless 16th Section Lands		
Interest on Surplus Revenue		
Interest on James Wallace Fund		
Total Interest on Public School Fund Endowment		
SOURCE OF FUNDS:		
(1) ASETF	649,708	
Total Debt Service	649,708	649,708
5. DENTAL SCHOLARSHIP AWARDS, BOARD OF:		
(a) Support of Other Educational Activities Program		159,286

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	Fund Sources Included In Appropriation Total	
	<u>ASETF</u>	<u>Earmarked Funds</u> <u>Appropriation Total</u>
SOURCE OF FUNDS:		
(1) ASETF	159,286	
Total Board of Dental Scholarship Awards.....	159,286	159,286
To be expended under the provisions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81.		

6. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program ..			17,444,144
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Compact for Education.....	43,623		
Operations and Maintenance of Department.....	4,547,233		
Of the above appropriation for Operations and Maintenance, \$84,600 shall be expended for the Homework Hotline Assistance Program. Leadership and Management.....			
.....	1,107,952		
Of the above appropriation to Leadership and Management, an amount up to \$250,000 shall be expended on Project LEAD.			
Electronic Network	282,000		
SOURCE OF FUNDS:			
(1) ASETF	5,980,808		
(2) Federal and Local Funds.....		11,463,336	
Total Administrative Services Program	5,980,808	11,463,336	17,444,144
(b) Adult Basic Education Program ...			10,204,788
SOURCE OF FUNDS:			
(1) ASETF	3,432,728		
(2) Federal and Local Funds.....		6,772,060	
Total Adult Basic Education Program	3,432,728	6,772,060	10,204,788
(c) Community Education Program ...			1,129,794
Of the above appropriation to the Department of Education for Community Education, \$76,928 shall be allocated to the Birmingham Board of Education, Department of Community Education.			
SOURCE OF FUNDS:			
(1) ASETF	914,144		
(2) Federal and Local Funds.....		215,650	
Total Community Education Program	914,144	215,650	1,129,794
Of the above appropriation for Community Education, \$200,000 shall be expended as follows:			
Each of the 64 existing full-time units will receive a \$2,300 in-			

	Fund Sources Included In Appropriation Total	
	<u>ASETF</u>	<u>Earmarked Funds</u> <u>Appropriation Total</u>
crease. Each of the 23 existing part-time units will receive a \$1,000 increase. Two new full-time units will be funded at \$12,000 each and one new part-time unit will be funded at \$5,800.		
(d) Financial Assistance Program.....		368,807,808
The proposed spending plan for the ASETF monies included in the above program is as follows:		
Alabama Building Commission.....	450,000	
Tennessee Valley Exhibit Commission-Capital Outlay	200,000	
Elementary Teachers Scholarships.....	21,503	
To be paid in accordance with Code of Alabama 1975, Section 16-23-17.		
Teacher Inservice Centers	2,346,067	
The State Board of Education shall administer the Inservice Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$150,299 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:		
(aa) The sum of \$74,707 shall be distributed to each of the following in-service centers:		
(1) Alabama A&M University		
(2) Alabama State University		
(3) Athens State College		
(4) Auburn University		
(5) Jacksonville State University		
(6) Troy State University		
(7) University of Alabama		
(8) University of Alabama at Birmingham		
(9) University of Montevallo		
(10) University of North Alabama		
(11) University of South Alabama		
(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teach-		

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
er units earned in each region as reported by the State Department of Education, Revised Calculations for 1992-93, and the number of teachers employed as reported on the 1992-93 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.			
SOURCE OF FUNDS:			
(1) ASETF	3,017,570		
(2) Federal and Local Funds		365,790,238	
Total Financial Assistance Program	3,017,570	365,790,238	368,807,808
(e) Alabama Young Farmers Education Program			45,252
SOURCE OF FUNDS:			
(1) ASETF	45,252		
Total Alabama Young Farmers Education Program	45,252		45,252
(f) Instructional Technical Assistance Program			10,256,739
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Basic Skills Program	890,218		
Early Childhood Education Administration	93,344		
Instructional Technical Assistance	1,205,699		
Special Education Administration	378,198		
Vocational Education Administration	939,368		
National Geographic Grant-Matching Funds	45,252		
Drug Education	40,945		
SOURCE OF FUNDS:			
(1) ASETF	3,593,024		
(2) Federal and Local Funds		6,663,715	
Total Instructional Technical Assistance Program	3,593,024	6,663,715	10,256,739
(g) Local Agency Support Program			19,270,423
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Advanced Placement	413,775		

		Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
		<u>ASETF</u>	<u>Total</u>
School Bus Driver Training and Vehicle Safety Inspection .545,315			
Free Textbooks12,734,770			
Guidance and Counseling177,852			
Operations and Maintenance111,604			
School Attendance165,632			
School Facilities and Architectural Services182,858			
Testing2,192,289			
Emergency Food Assistance and Child Nutrition Programs..62,285			
SOURCE OF FUNDS:			
(1) ASETF		16,586,380	
(2) Federal and Local Funds.....		2,684,043	
Total Local Agency Support Program		16,586,380	19,270,423
(h)	Regulation Program		2,215,461
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Teacher Certification and Accreditation550,700			
Undergraduate/Graduate Program Approval236,158			
Operations and Maintenance475,704			
SOURCE OF FUNDS:			
(1) ASETF		1,262,562	
(2) Federal and Local Funds.....		952,899	
Total Regulation Program		1,262,562	2,215,461
(i)	Support of Other Educational Activities Program		15,000
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Education of Dependents of Blind Parents.....15,000			
SOURCE OF FUNDS:			
(1) ASETF		15,000	
Total Support of Other Educational Activities Program		15,000	15,000
For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.			
(j)	Support of State Universities Program		50,000
SOURCE OF FUNDS:			
(1) Federal and Local Funds.....		50,000	
Total Support of State Universities			

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		<u>Fund Sources Included In Appropriation Total</u>	
		<u>ASETF</u>	<u>Earmarked Funds</u> <u>Appropriation Total</u>
	Program		50,000 50,000
(k)	Multi-System Evaluation Center Program		94,000
	SOURCE OF FUNDS:		
	(1) ASETF	94,000	
	Total Multi-System Evaluation Center Program	94,000	94,000
(l)	Education Specialist for Litter Education Program		50,000
	SOURCE OF FUNDS:		
	(1) ASETF	50,000	
	Total Education Specialist for Litter Education Program	50,000	50,000
(m)	Alabama Center for Law and Civic Education		46,750
	SOURCE OF FUNDS:		
	(1) ASETF	46,750	
	Total Alabama Center for Law and Civic Education	46,750	46,750
(n)	Alabama Writing Project		100,000
	SOURCE OF FUNDS:		
	(1) ASETF	100,000	
	Total Alabama Writing Project	100,000	100,000
(o)	Minority Student Recruitment Program		75,000
	SOURCE OF FUNDS:		
	(1) ASETF	75,000	
	Total Minority Student Recruit- ment Program	75,000	75,000
(p)	Coordinator of School Health Services		62,500
	SOURCE OF FUNDS:		
	(1) ASETF	62,500	
	Total Coordinator of School Health Services	62,500	62,500
(q)	Eye Examinations and Screening Program		600,000
	SOURCE OF FUNDS:		
	(1) ASETF	600,000	
	Total Eye Examinations and Screening Program	600,000	600,000
	To implement requirements of Code of Alabama 1975, Section 16-29-1 so that each child in the public schools of Alabama grades K-1-2 be given an eye screening examination using this appropri- ation in conjunction with private funds of \$200,000. Thereafter, each child entering kindergarten in the public schools shall have free eye screening the cost of which shall be borne for a period of four years from private funds committed for that purpose. The method of screening shall be color photorefracton.		

		Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
	ASETF		
(f) PALS - Litter Education Program.			25,000
SOURCE OF FUNDS:			
(1) ASETF	25,000		
Total PALS - Litter Education Program	25,000		25,000
The above appropriation is for a state-wide litter education pro- gram			
TOTAL DEPARTMENT OF ED- UCATION:			
SOURCE OF FUNDS:			
(1) ASETF	35,900,718		
(2) Federal and Local Funds		394,591,941	
GRAND TOTAL DEPARTMENT OF EDUCATION	35,900,718	394,591,941	430,492,659
7. EDUCATION, STATE BOARD OF - MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Minimum Program			811,297,797
SOURCE OF FUNDS:			
(1) ASETF	748,621,312		
(2) Public School Fund		58,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program, Public School Fund and Local Funds	748,621,312	62,676,485	811,297,797
The above appropriation shall be paid in accordance with Code of Alabama 1975, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and mainte- nance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, how- ever, not more than four percent of the Public School Funds ap- propriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more reve- nue than appropriated for the fis- cal year ending September 30, 1994, the excess in revenue shall be carried over as a beginning			

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<u>ASETF</u>	<u>Fund Sources Included In Appropriation Total</u>	
	<u>Barmarked Funds</u>	<u>Appropriation Total</u>

balance for the fiscal year begin-
ning October 1, 1994.
Total Teacher Units.....25,526.89

It is provided in the event that there are more earned teacher units for the fiscal year 1993-94 than those set out above, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there are less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than the amount appropriated hereinabove available from the Public School Fund for the fiscal year 1993-94, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

(aa) For Board of Adjustment
Awards
Total not to exceed.....\$300,000
(bb) For Salaries
Total not to exceed . \$656,488,269

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 28,207	3,216.39	\$ 90,724,713
I	26,410	15,443.77	407,869,966
II	22,994	6,866.73	157,893,590
III	19,361	0.00	0
IV	16,813	0.00	0
		25,526.89	\$ 656,488,269

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(cc) For Principal Supplement
Per Teacher Unit.....100.00
Total not to exceed\$2,552,689
(dd) For Other Current Expense
Per Teacher Unit3,458.96
Total not to exceed...\$88,296,491
(ee) For Capital Improvements
Per Teacher Unit55.00
Total not be exceed\$1,403,980
(ff) For Transportation
Total not to exceed ...\$62,256,368

**8. EDUCATION, STATE BOARD
OF - LOCAL BOARDS:**

(a) State Board of Education, Local Boards Program.....	728,091,416
SOURCE OF FUNDS:	
(1) ASETF	728,091,416
Total State Board of Education - Local Boards.....	728,091,416
	728,091,416

To be distributed by the State Board of Education for:

(1) Teachers' Sick

Leave.....4,458,026

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1992-93 fiscal year be continued at that rate through the 1993-94 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick

Leave.....1,893,330

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal

Leave.....1,692,530

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ESEA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1992-93 fiscal year be continued at that rate through the 1993-94 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Support Personnel Personal

Leave.....414,409

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

(5) Classroom Instructional

Supplies21,410,454

Maximum Per Teacher

Unit480.00

Of the above appropriation an amount not to exceed the maximum is to be allotted on a per teacher unit basis for grades K-12 for all teachers employed (except ESEA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, Section 16-13-40, the above appropriation shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama 1975. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and

proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board. Restrictions shall not be devised (or imposed) to prohibit the ordering of Classroom Instructional Supplies beyond December 1 to the full extent of the appropriation.

(6) Kindergarten Instructional Supplies.....1,031,343

The above appropriation shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However, this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instructional Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation

for kindergarten instructional supplies. Restrictions shall not be devised (or imposed) to prohibit the ordering of Kindergarten Instructional Supplies beyond December 1 to the full extent of the appropriation.

(7) Maintenance.....12,775,667
To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously Granted for Special Education27,103,304

(9) Special Schools for Special Education4,002,425

To be distributed by the State Board of Education as follows:

Tuscaloosa Regional Handicapped School.....407,264

Regional Center for Handicapped Children in Pickens County40,726

Southwest Alabama School for Deaf and Blind.....366,538

Jasper Shriner School20,363

Coffee County Board of Education-Project Independence School.....61,090

Auburn University Preschool for Multi-handicapped Children35,024

Montgomery County Board of Education, Program for Deaf Students61,090

Special Education School in Vinemont in Cullman County.....104,953

Dothan City Board of Education, Hearing Impaired and Gifted Children Program186,120

Houston County Board of Education, Gifted Children Program24,436

Cullman City Special Education Program.....128,453

Cleveland School for the Handicapped.....61,090

Tannehill Learning Center22,897

Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, Section 16-39-3, and P.L. 94-142454,570

Chauncey Sparks Center for Developmental and Learning Disorders.....475,142

Geneva County Board of Education31,088

Jackson County Board of Education	58,280
Tuscaloosa County Board of Education	225,600
Tuscaloosa City Board of Education	225,600
Crenshaw County Board of Education	84,600
Birmingham City Board of Education	188,000
Ozark City Board of Education	28,200
Dale County Board of Education	28,200
Daleville City Board of Education, Gifted Program	27,151
Baldwin County Board of Education-Operation Excellence	45,252
Troy City Board of Education	178,929
Geneva City Board of Education Gifted Program	24,436
Midfield City Board of Education	22,626
DeKalb County Board of Education, Northeast Alabama Regional Special Education Assessment Program	58,280
Covington County Board of Education, Audiological Center	58,827
Kilby School, University of North Alabama	137,600
Birmingham City Board of Education-Family Education Involvement and Support Program	80,000
Madison County School Board	50,000
(10) Kindergarten Teacher Units	88,713,647
Total Teacher Units	3,104.79
(aa) For Salaries Total not to exceed	\$77,803,540

Rank	Salary Allotment	Number of TU	Total
AA	\$ 28,207	186.29	\$ 5,254,682
I	26,410	1,592.76	42,064,792
II	22,994	1,325.74	30,484,066
		3,104.79	\$ 77,803,540

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense
Per Teacher Unit3,458.96
Total not to exceed...\$10,739,344

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(cc) For Capital Improvements
Per Teacher Unit.....\$5.00
Total not to exceed\$170,763

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less teacher units are earned for the fiscal year 1993-94, then such amount shall not be allotted or paid. In the event more teacher units are earned for the fiscal year 1993-94, then such amount necessary to pay for these excess teacher units is hereby appropriated.

(11) Continuation of Teacher
Units to reduce pupil-
teacher ratio in grades
3-611,106,295
Total Teacher Units382.67
(aa) For Salaries Total not
to exceed\$9,761,608

Rank	Salary Allotment	Number of TU	Total
AA	\$ 28,207	55.49	\$ 1,565,206
I	26,410	197.08	5,204,883
II	22,994	130.10	2,991,519
		382.67	\$ 9,761,608

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense
Per Teacher Unit3,458.96
Total not to exceed\$1,323,640
(cc) For Capital Improvements
Per Teacher Unit\$5.00
Total not to exceed\$21,047

(12) Supportive Teacher
Units57,480,959

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units and Continuation Teacher Units.

Total Teacher
Units1,934.29
(aa) For Salaries Total not
to exceed\$50,683,941

Rank	Salary Allotment	Number of TU	Total
AA	\$ 28,207	398.46	\$ 11,239,361
I	26,410	1,208.93	31,927,841
II	22,994	326.90	7,516,739
		1,934.29	\$ 50,683,941

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense

Per Teacher Unit3,458.96

Total not to exceed\$6,690,632

(cc) For Capital Improvements

Per Teacher Unit55.00

Total not to exceed\$106,386

(13) Special Education Teacher

Units110,554,295

Total Teacher

Unit3,700.00

(aa) For Salaries Total not

to exceed\$96,835,235

Rank	Salary Allotment	Number of TU	Total
AA	\$ 28,207	388.50	\$ 10,958,420
I	26,410	2,849.00	75,242,090
II	22,994	462.50	10,634,725
		3,700.00	\$ 96,835,235

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense

Per Teacher Unit3,458.96

Total not to exceed\$12,798,152

(cc) For Capital Improvements

Per Teacher Unit55.00

Total not to exceed\$203,500

(dd) For Transportation

Total not to exceed\$717,408

(14) Vocational

Education86,501,151

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$940,000 shall be allocated for adult training and apprenticeship programs and \$1,316,000 shall be allocated for technical program improvement. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations.

(15) Teachers' Aides ...3,916,642

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily at-

tendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(16) Salary Increases for Tenured Teachers (Estimated)101,402,520

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(17) Support Personnel Salary Increase (Estimated)34,608,680

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(18) Library Enhancement (K-12)4,606,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based

upon a formula to be determined
by the State Board of Education.

(19) Guidance Counselor

Teacher Units9,527,772

Total Teacher Units316.84

(aa) For Salaries

Total not to exceed\$8,414,409

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 28,207	38.02	\$ 1,072,430
I	26,410	272.48	7,196,197
II	22,994	6.34	145,782
		316.84	\$ 8,414,409

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense

Per Teacher Unit3,458.96

Total not to exceed\$1,095,937

(cc) For Capital Improvements

Per Teacher Unit55.00

Total not to exceed\$17,426

(20) Driver Education Teacher

Units or other Teacher

Units as approved by the

Local Board of Educa-

tion8,407,329

Total Teacher

Units290.00

(aa) For Salaries Total not

to exceed\$7,388,281

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 28,207	20.30	\$ 572,602
I	26,410	179.80	4,748,518
II	22,994	89.90	2,067,161
		290.00	\$ 7,388,281

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense

Per Teacher Unit3,458.96

Total not to exceed\$1,003,098

(cc) For Capital Improvements

Per Teacher Unit55.00

Total not to exceed\$15,950

(21) Social Security (FICA) -

Employers

Share136,484,638

	<u>Fund Sources Included In Appropriation Total</u>	
	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
<u>ASETF</u>		

9. EDUCATION, STATE BOARD OF
- POSTSECONDARY PRISON ED-
UCATION:

(a) Operations and Maintenance 7,779,880 5,843,370 13,623,250

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	ASETF	Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
(b) Library Enhancement	45,382		45,382
(c) High Technology Equipment	90,766		90,766
(d) Restricted Funds.....		3,270,326	3,270,326
SOURCE OF FUNDS:			
(1) ASETF.....	7,916,028		
(2) Federal and Local Funds		9,113,696	
Total State Board of Education - Postsecondary Prison Education ...	7,916,028	9,113,696	17,029,724

(1) The Operations and Maintenance appropriation above of \$7,779,880 to the State Board of Education for Postsecondary Prison Education shall be distributed to colleges with approved programs in accordance with the following formula: (a) The sum of \$300,000 to J. F. Ingram State Technical College and (b) The remainder to each college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1991-92 and the fall, winter and spring quarters of the school year 1992-93 by all colleges listed in this appropriation provided, however, that funding for junior and technical college credit hours shall be allotted in amounts as near equal as possible to non-prison education two-year college credit hours. The appropriation in (b) above is to be distributed to the following colleges: (1) Central Alabama Community College; (2) John C. Calhoun State Community College; (3) Jefferson Davis State Community College; (4) Gadsden State Community College; (5) J.F. Ingram State Technical College; (6) Theodore A. Lawson State Community College; and (7) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$45,382 is to be distributed to the colleges listed in (1) above on a fall quarter 1992-93 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$90,766 to the State Board of Education for the Postsecondary Prison System is to be distributed to the colleges listed above in (1) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**10. EDUCATION, STATE BOARD OF -
JUNIOR COLLEGE SYSTEM:**

(a) Operations and Maintenance	79,650,543	63,108,392	142,758,935
(b) Library Enhancement	275,326		275,326
(c) High Technology Equipment	183,552		183,552
(d) Auxiliary Enterprises		10,034,942	10,034,942
(e) Restricted Funds.....		35,319,507	35,319,507
SOURCE OF FUNDS:			
(1) ASETF.....	80,109,421		
(2) Other Funds.....		108,462,841	
Total State Board of Education - Junior College System	80,109,421	108,462,841	188,572,262

(1) The Operations and Maintenance appropriation above of \$79,650,543 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$225,000 to only those junior colleges enumerated below in subsect ion (b).

(b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1991-92 and the fall, winter and spring quarters of the school year 1992-93 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a 2:1 ratio based upon the summer quarter of the school year 1991-92 and the fall, winter, and spring quarters of the school year 1992-93 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses in animal health, paramedics, dental assistant, respiratory therapy assistant, medical laboratory assistant, physical therapy assistant, and radiation technology will be funded at this ratio. Related courses and other allied health courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. Any credit hours produced by an off campus class with less than twelve students enrolled in that class shall be excluded from the computations for state funding if the total number of credit hours produced by all such classes within an institution exceed 5% of the total credit hours generated off-campus by that institution. The above appropriation is to be distributed to the following junior colleges: (1) Beville State Community College; (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College (Phenix City); (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) Enterprise State Junior College; (8) James H. Faulkner State Community College; (9) Gadsden State Community College; (10) Alabama Southern Community College; (11) Jefferson State Community College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Community College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Community College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The Library Enhancement appropriation above of \$275,326 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a fall quarter 1992-93 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$183,552 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$640,000 to Theodore A. Lawson State Community College to be conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director, and the approval of the Governor.

In addition to the above appropriations, there is hereby conditionally appropriated the sum of \$600,000 to S.D. Bishop State Community College to be conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director, and the approval of the Governor.

	<u>Fund Sources Included</u> <u>In Appropriation Total</u>		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
11. EDUCATION, STATE BOARD OF TECHNICAL COLLEGE SYSTEM:			
(a) Operations and Maintenance.....	61,068,769	47,915,631	108,984,400

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	ASETF	Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
(b) Library Enhancement	456,682		456,682
(c) High Technology Equipment	365,344		365,344
(d) Auxiliary Enterprises		6,201,915	6,201,915
(e) Restricted Funds.....		26,816,662	26,816,662
SOURCE OF FUNDS:			
(1) ASETF	61,890,795		
(2) Other Funds		80,934,208	
Total State Board of Education- Technical College System	61,890,795	80,934,208	142,825,003

(1) The Operations and Maintenance appropriation above of \$61,068,769 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein on the following formula:

(a) The sum of \$300,000 to only those technical colleges enumerated below in subsection (b).

(b) The remainder of the appropriation is to be allotted to each technical college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1991-92 and the fall, winter and spring quarters of the school year 1992-93 by all technical colleges listed in this appropriation, provided, however, that the credit hours from the major flight technology courses at Wallace State College, Hanceville, Northwest Community College and the Alabama Aviation and Technical College for the same quarters as above will be funded on a 2:1 ratio and provided that the credit hours from the major registered nursing courses at Beville State Community College for the same quarters as above will be funded at the same rate as the credit hours from the major registered nursing courses of the junior colleges. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. Any credit hours produced by an off campus class with less than twelve students enrolled in that class shall be excluded from the computations for state funding if the total number of credit hours produced by all such classes within an institution exceed 5% of the total credit hours generated off-campus by that institution. The above appropriation is to be distributed to the following technical colleges: (1) Jefferson Davis State Community College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) S.D. Bishop State Community College-Carver Campus; (8) John C. Calhoun State Community College; (9) Central Alabama Community College; (10) J.F. Drake State Technical College; (11) Gadsden State Community College-Alabama Technical College Campus; (12) Gadsden State Community College-Gadsden State Technical Institute Campus; (13) Alabama Southern Community College; (14) Jefferson State Community College; (15) Theodore A. Lawson State Community College; (16) Douglas MacArthur State Technical College; (17) Northwest Alabama Community College; (18) Opelika State Technical College; (19) John M. Patterson State Technical College; (20) Ed E. Reid State Technical College; (21) Shelton State Community College; (22) Shoals Community College; (23) Chauncey Sparks State Technical College; (24) Council Trenholm State Technical College; (25) C.A. Fredd State Technical College; (26) George C. Wallace State Community College (Selma); (27) George C. Wallace State Community College (Dothan); (28) George C. Wallace State Community College (Hanceville); (29) Faulkner State Community College (base transferred from Southwest State Technical College).

(2) The Library Enhancement appropriation above of \$456,682 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1)(b) on a fall quarter 1992-93 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended

for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$365,344 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed in (1)(b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

In addition to the above appropriation there is hereby conditionally appropriated the sum of \$300,000 to Shelton State Community College - C.A. Fredd Technical Division. This appropriation is conditioned upon the availability of funds in the ASETF, the recommendation of the Finance Director and the approval of the Governor.

		Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
ASETF			
12.	EDUCATION, STATE BOARD OF - POSTSECONDARY SKILLS TRAINING AND EDUCATION:		
(a)	Operations and Maintenance		22,436,059
	SOURCE OF FUNDS:		
	(1) Federal and Local	22,436,059	
	Total State Board of Education - Postsecondary Skills Training and Education	22,436,059	22,436,059
13.	FAMILY PRACTICE RURAL HEALTH BOARD:		
(a)	Family Practice Rural Health Program		859,780
	(1) ASETF	859,780	
	Total Family Practice Rural Health Board	859,780	859,780
14.	FINANCE, DEPARTMENT OF - TELECOMMUNICATIONS DIVI- SION, TELEPHONE REVOLVING FUND:		
(a)	Administrative Support Services Program		4,200,000
	SOURCE OF FUND:		
	(1) ASETF	4,200,000	
	Total Department of Finance - Data Systems Management Divi- sion, Telephone Revolving Fund ..	4,200,000	4,200,000
	The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide con- tinuing non-interrupted service of a minimum maintenance level.		
15.	FINANCE, DEPARTMENT OF - DATA SYSTEMS MANAGEMENT DIVISION:		
(a)	Administrative Support Services Program		299,566

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.			
SOURCE OF FUNDS:			
(1) ASETF	299,566		
Total Department of Finance-Data Systems Management Division.....	299,566		299,566
16. FINE ARTS, ALABAMA SCHOOL OF:			
(a) Fine Arts Program			2,551,716
SOURCE OF FUNDS:			
(1) ASETF	2,175,133		
(2) Federal and Local Funds.....		376,583	
Total Alabama School of Fine Arts	2,175,133	376,583	2,551,716
17. FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION, ALABAMA/ALABAMA FIRE COLLEGE-SHELTON STATE COMMUNITY COLLEGE:			
(a) Operations and Maintenance	1,762,250	624,707	2,386,957
(b) Auxiliary Enterprises		665,012	665,012
SOURCE OF FUNDS:			
(1) ASETF	1,762,250		
(2) Other Funds		1,289,719	
Total Alabama Firefighters Personnel Standards and Education Commission/Alabama State Fire College - Shelton State Community College	1,762,250	1,289,719	3,051,969
Of the above appropriation of \$1,762,250, the sum of \$72,210 shall be used for training and instructional equipment and the development and delivery of hazardous materials training.			
18. HEALTH INSURANCE BOARD, PUBLIC EDUCATION EMPLOYEES':			
(a) Administrative Support Services Program			237,911,040
The above appropriation of \$237,911,040 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers of all institutions under the auspices of the State			

	Fund Sources Included In Appropriation Total	
	Earmarked	Appropriation
<u>ASETF</u>	<u>Funds</u>	<u>Total</u>

Board of Education, employees of the Alabama Institute for the Deaf and Blind, Alabama School of Mathematics and Science, the Alabama School of Fine Arts, and retired employees eligible under the provisions of Code of Alabama 1975, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$237,911,040 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1993-94 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	237,911,040	
Total Public Education Employees Health Insurance Board	237,911,040	237,911,040

19. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program	1,505,773
The proposed spending plan for the ASETF monies included in the above program is as follows: Operations and Maintenance	1,505,773

	Fund Sources Included In Appropriation Total		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:			
(1) ASETF	1,505,773		
Total Planning and Coordination Services Program (Total Operations).....	1,505,773		1,505,773
For purposes of the ACHE fund- ing formula for institutions of higher education, any credit hours produced by an off campus class with less than twelve stu- dents enrolled in that class shall be excluded from the computa- tions for state funding if the total number of credit hours produced by all such classes within an in- stitution exceed 5% of the total credit hours generated off-campus by that institution.			
(b) Student Financial Aid Pro- gram			31,932,900
The proposed spending plan for the ASETF monies included in the above program is to be distri- buted through ACHE as follows:			
(1) Educational Grants Pro- gram	4,925,359		
(2) Alabama National Guard Ed- ucational Assistance.....	181,754		
To be expended in accordance with Code of Alabama 1975, Sec- tions 31-10-1 through 31-10-4.			
(3) Emergency Secondary Edu- cation Scholarships.....	974,726		
To be expended in accordance with Code of Alabama 1975, Sec- tions 16-23-18 through 16-23-23.			
(4) Chiropractic Scholar- ships	44,522		
To be expended in accordance with Code of Alabama 1975, Sec- tion 16-5-11.			
(5) Alabama Student Assistance Program	1,818,315		
SOURCE OF FUNDS:			
(1) ASETF	7,944,676		
(2) Federal and Local Funds.....		23,988,224	
Total Student Financial Aid Program	7,944,676	23,988,224	31,932,900
(c) Support of Other Educational Activities Program			4,136,062
The proposed spending plan for the ASETF monies included in the above program is to be distri- buted through ACHE as follows:			
(1) Network of Alabama Aca- demic Libraries (NAAL)	644,024		

	Fund Sources Included In Appropriation Total		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
(2) Southern Regional Education Board (SREB).....395,485			
Of the above appropriation, \$34,000 shall be expended for a regional minority doctoral scholars program. In addition to the above appropriation for the Southern Regional Education Board, there is hereby conditionally appropriated the sum of \$24,800 out of the funds in the ASETF conditioned upon the availability of funds, the recommendation of the Finance Director, and the approval of the Governor.			
(3) Alabama Small Business Development Consortium.....524,949			
(4) Policeman's Survivor Tuition, Estimated40,000			
To be expended under the provisions of Section 36-21-105, Code of Alabama 1975.			
(5) Alabama Council for International Programs23,500			
(6) EPSCoR-National Science Foundation Program1,000,000			
(7) Research Enhancement248,884			
SOURCE OF FUNDS:			
(1) ASETF.....	2,876,842		
(2) Federal and Local Funds		1,259,220	
Total Support of Other Educational Activities Program	2,876,842	1,259,220	4,136,062
TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF	12,327,291		
(2) Federal and Local Funds		25,247,444	
Grand Total Alabama Commission on Higher Education	12,327,291	25,247,444	37,574,735

20. HUMAN RESOURCES,
DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program .		2,500,000
SOURCE OF FUNDS:		
(1) ASETF.....	2,500,000	
Total Department of Human Resources	2,500,000	2,500,000
Of the total state and federal dollars received by the Department		

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the Department of Education - Adult Basic Education Program for educational services to JOBS participants.			
21. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:			
(a) Industrial Training Program	1,839,901	167,125	2,007,026
(b) Industrial Development Program ..	3,418,552		3,418,552
SOURCE OF FUNDS:			
(1) ASETF	5,258,453		
(2) Other Funds		167,125	
Total Alabama Industrial Development Training Institute	5,258,453	167,125	5,425,578
22. LIBRARY SERVICE, ALABAMA PUBLIC:			
(a) Public Library Service Program ...			8,849,362
SOURCE OF FUNDS:			
(1) ASETF	7,179,475		
(2) Federal and Local Funds		1,669,887	
Total Alabama Public Library Service	7,179,475	1,669,887	8,849,362
Of the above appropriation, a minimum of \$4,441,682 shall be distributed to the public libraries within the state.			
23. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:			
(a) Support of Other Educational Activities Program			2,653,256
SOURCE OF FUNDS:			
(1) ASETF	1,913,351		
(2) Federal and Local Funds		739,905	
Total Marine Environmental Sciences Consortium	1,913,351	739,905	2,653,256
24. MATH AND SCIENCE, ALABAMA SCHOOL OF:			
(a) Math and Science Program			3,649,618
SOURCE OF FUNDS:			
(1) ASETF	3,649,618		
Total Alabama School of Math and Science	3,649,618		3,649,618
25. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			612,707

		Fund Sources Included In Appropriation Total	
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
SOURCE OF FUNDS:			
(1) ASETF	612,707		
Total Board of Medical Scholarships Awards	612,707		612,707
To be expended under the provisions of Code of Alabama 1975, Sections 16-47-121 through 16-47-129.			
26. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			6,796,454
Of the above appropriation, \$2,828,703 shall be expended at the Eufaula Adolescent Center.			
(b) Institutional Treatment and Care-Mental Retardation Program			2,265,485
(c) Alzheimer's Disease Education and Training Program			150,000
SOURCE OF FUNDS:			
(1) ASETF	9,211,939		
Total Department of Mental Health and Mental Retardation	9,211,939		9,211,939
27. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM			
			141,000
SOURCE OF FUNDS:			
(1) ASETF	141,000		
Total Montgomery Internal Medicine Residency Program	141,000		141,000
The above appropriation to the Montgomery Internal Medicine Residency Program from the ASETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1992-93.			
28. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program ..			51,587
SOURCE OF FUNDS:			
(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships	51,587		
Total Alabama Board of Nursing ..	51,587		51,587

		Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
	ASETF		
29. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			134,850
SOURCE OF FUNDS:			
(1) ASETF	134,850		
Total Board of Optometric Schol- arship Awards	134,850		134,850
To be expended under the provi- sions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.			
30. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			291,047
(b) Certified Law Enforcement Aca- demy Program			898,605
Of the above appropriation for the Certified Law Enforcement Academy Program, the \$498,605 of ASETF monies included there- in shall be expended as follows:			
Jacksonville State University	171,451		
University of Alabama ...	135,250		
James H. Faulkner Jr. College	135,250		
Troy State University at Montgomery	56,654		
Total	498,605		
SOURCE OF FUNDS:			
(1) ASETF	789,652		
(2) Alabama Peace Officers' Standards and Training Fund - as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51...		400,000	
Total Alabama Peace Officers' Standards and Training Com- mission	789,652	400,000	1,189,652
31. PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA:			
(a) Community Services Program			200,000
SOURCE OF FUNDS:			
(1) ASETF	200,000		
Total Alabama Public School and College Authority	200,000		200,000
In addition to the above appro- priation to the Alabama Public School and College Authority,			

		Fund Sources Included In Appropriation Total	
		<u>ASETF</u>	<u>Appropriation Total</u>
there is hereby appropriated \$10,000,000 conditioned upon the passage of Senate Bill 467, the issuance of said bonds, the condition of the ASETF and the approval of the Governor.			
32. POSTSECONDARY EDUCATION DEPARTMENT:			
(a) Postsecondary Two-Year Institutions Program.....			2,856,178
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Chancellor's Office			
Operations	1,545,893		
Environmental Consortium		250,000	
Program Planning and Enhancement.....		110,797	
Displaced Homemakers' Program		107,628	
Building Operations.....		309,007	
SOURCE OF FUNDS:			
(1) ASETF.....	2,323,325		
(2) Federal and Local Funds.....		532,853	
Total Postsecondary Education Department.....	2,323,325	532,853	2,856,178
33. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):			
(a) Retirement Systems Program, Estimated.....			566,000
SOURCE OF FUNDS:			
(1) ASETF-Employees' Retirement System.....	329,000		
(2) ASETF-Employees' Special Pension, Acts 85-631, 88-600, and 90-625	237,000		
Total Employees' Retirement System of Alabama (ASETF Share)...	566,000		566,000
34. RETIREMENT SYSTEM OF ALABAMA, TEACHERS'			
(ASETF SHARE):			
(a) Retirement Systems Program, Estimated.....			226,883,000
(b) Term Life Insurance.....			3,150,000
Persons eligible for this insurance benefit shall be the following:			
(1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the			

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		<u>Fund Sources Included In Appropriation Total</u>	
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
full benefit; and,			
(2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.			
SOURCE OF FUNDS:			
(1) ASETF-Teachers' Retirement System, Estimated	177,383,000		
(2) ASETF-Teachers' Special Pension Fund, Estimated	49,500,000		
(3) ASETF-Term Life Insurance ..	3,150,000		
Total Teachers' Retirement System of Alabama (ASETF Share)	230,033,000		230,033,000
35. SOCIAL SECURITY (ASETF SHARE):			
(a) For State's Share of Social Security, Estimated			118,703
SOURCE OF FUNDS:			
(1) ASETF	118,703		
Total Social Security (ASETF Share)	118,703		118,703
The above appropriation is to be used for prior period adjustments.			
36. SUPERCOMPUTER AUTHORITY, ALABAMA:			
(a) Administrative Support Services Program			5,640,000
The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) ASETF	4,640,000		
(2) Supercomputer Revolving Fund, Estimated		1,000,000	
Total Alabama Supercomputer Authority	4,640,000	1,000,000	5,640,000
37. TENURE COMMISSION, STATE:			
(a) Regulation Program			9,722
SOURCE OF FUNDS:			
(1) ASETF	9,722		
Total State Tenure Commission....	9,722		9,722
38. TELEVISION COMMISSION, EDUCATIONAL:			
(a) Educational Television and Public Radio Service Program.....			9,028,417
(b) Federal Grant Program			700,000

	Fund Sources Included In Appropriation Total	
	<u>ASETF</u>	<u>Appropriation Total</u>
The above \$700,000 appropriation to the Educational Television Commission is conditioned upon the award of a federal grant for capital outlay and equipment upgrade purposes.		
SOURCE OF FUNDS:		
(1) ASETF	5,318,417	
(2) Federal and Local Funds.....		4,410,000
Total Educational Television Commission	5,318,417	9,728,417
The above appropriation includes funding for WLRH-FM in Huntsville, also licensed to the Alabama Educational Television Commission.		
39. UNEMPLOYMENT COMPENSATION - LOCAL BOARDS:		
(a) State Board of Education, Local Boards Program, Estimated		2,694,798
SOURCE OF FUNDS:		
(1) ASETF	2,694,798	
Total Unemployment Compensation - Local Boards	2,694,798	2,694,798
40. VETERANS' AFFAIRS, DEPARTMENT OF:		
(a) Administration of Veterans' Affairs Program		3,990,511
SOURCE OF FUNDS:		
(1) ASETF-Transfer	3,990,511	
Total Department of Veterans' Affairs.....	3,990,511	3,990,511
The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.		
41. YOUTH SERVICES, DEPARTMENT OF:		
(a) Financial Assistance Program.....		4,544,782
The above appropriation for Financial Assistance Program in		

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	Fund Sources Included In Appropriation Total		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
<p>cludes \$3,429,483 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.</p> <p>SOURCE OF FUNDS:</p> <p>(1) ASETF 3,429,483</p> <p>(2) Federal and Local Funds..... 1,115,299</p> <p>Total Department of Youth Services 3,429,483 1,115,299 4,544,782</p>			

SECTION 4.

**COLLEGES, UNIVERSITIES
AND SCHOOLS:**

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA

(a) Operations and Maintenance and Program Support.....	89,491,941	65,751,500	155,243,441
<p>The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.</p>			
(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham ...	142,961,688	612,585,100	755,546,788
<p>The above amounts distributed to the President of the University of</p>			

	Fund Sources Included In Appropriation Total	
	<u>Earmarked</u> <u>Funds</u>	<u>Appropriation</u> <u>Total</u>
<u>ASETF</u>		
Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research.		
(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville	29,597,179	54,208,071

	Fund Sources Included In Appropriation Total		
	<u>ASETF</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.			
(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	4,033,287		4,033,287
(e) Alabama SchoolFest Program, University of Alabama	713,639		713,639
(f) Auxiliary Enterprises		72,339,095	72,339,095
(g) Restricted Funds.....		183,882,080	183,882,080
SOURCE OF FUNDS:			
(1) ASETF	266,797,734		
(2) Other Funds		959,168,667	
Total Board of Trustees of University of Alabama	266,797,734	959,168,667	1,225,966,401

II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY

(a) Operations and Maintenance and Program Support	20,435,662	12,314,616	32,750,278
(b) Desegregation Planning	265,177		265,177
(c) Auxiliary Enterprises		5,491,361	5,491,361
(d) Restricted Funds		13,447,748	13,447,748
SOURCE OF FUNDS:			
(1) ASETF	20,700,839		
(2) Other Funds		31,253,725	
Total Board of Trustees of Alabama A&M University	20,700,839	31,253,725	51,954,564

III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Operations and Maintenance and Program Support	20,286,429	12,308,943	32,595,372
(b) Desegregation Planning	200,000		200,000
(c) For Recruiting and Minority Scholarships	300,000		300,000
(d) Auxiliary Enterprises		6,389,561	6,389,561
(e) Restricted Funds		9,096,446	9,096,446

		Fund Sources Included In Appropriation Total	
	ASETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) ASETF	20,786,429		
(2) Other Funds		27,794,950	
Total Board of Trustees of Alabama State University	20,786,429	27,794,950	48,581,379
IV. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY			
(a) Alabama State University- Miles College Consortium	400,000		400,000
SOURCE OF FUNDS:			
(1) ASETF	400,000		
Total Alabama State University- Miles College Consortium	400,000		400,000
V. STATE BOARD OF EDUCATION - ATHENS STATE COLLEGE			
(a) Operations and Maintenance and Program Support	4,926,705	5,460,242	10,386,947
(b) Auxiliary Enterprises		578,613	578,613
(c) Restricted Funds		1,126,473	1,126,473
SOURCE OF FUNDS:			
(1) ASETF	4,926,705		
(2) Other Funds		7,165,328	
Total State Board of Education - Athens State College	4,926,705	7,165,328	12,092,033
VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY			
(a) Operations and Maintenance and Program Support	153,895,104	93,619,352	247,514,456
(b) Auxiliary Enterprises		45,866,424	45,866,424
(c) Restricted Funds		62,642,975	62,642,975
SOURCE OF FUNDS:			
(1) ASETF	153,895,104		
(2) Other Funds		202,128,751	
Total Board of Trustees of Auburn University	153,895,104	202,128,751	356,023,855
VII. BOARD OF TRUSTEES OF JACK- SONVILLE STATE UNIVERSITY			
(a) Operations and Maintenance and Program Support	21,676,706	15,880,714	37,557,420
(b) Auxiliary Enterprises		3,244,733	3,244,733
(c) Restricted Funds		6,571,470	6,571,470
SOURCE OF FUNDS:			
(1) ASETF	21,676,706		
(2) Other Funds		25,696,917	
Total Board of Trustees of Jack- sonville State University	21,676,706	25,696,917	47,373,623
VIII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY			
(a) Operations and Maintenance and Program Support	6,761,948	3,509,145	10,271,093

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		Fund Sources Included In Appropriation Total	
		Earmarked	Appropriation
		Funds	Total
	ASETF		
(b) Auxiliary Enterprises		3,280,227	3,280,227
(c) Restricted Funds.....		382,125	382,125
SOURCE OF FUNDS:			
(1) ASETF	6,761,948		
(2) Other Funds		7,171,497	
Total Board of Trustees of Livingston University.....	6,761,948	7,171,497	13,933,445
IX. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO			
(a) Operations and Maintenance and Program Support.....	11,259,956	7,582,586	18,842,542
(b) Auxiliary Enterprises		4,559,956	4,559,956
(c) Restricted Funds.....		2,116,492	2,116,492
SOURCE OF FUNDS:			
(1) ASETF	11,259,956		
(2) Other Funds		14,259,034	
Total Board of Trustees of University of Montevallo.....	11,259,956	14,259,034	25,518,990
X. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA			
(a) Operations and Maintenance and Program Support.....	16,022,438	11,609,728	27,632,166
(b) Auxiliary Enterprises		2,705,412	2,705,412
(c) Restricted Funds.....		732,985	732,985
SOURCE OF FUNDS:			
(1) ASETF	16,022,438		
(2) Other Funds		15,048,125	
Total Board of Trustees of Univer- sity of North Alabama	16,022,438	15,048,125	31,070,563
XI. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALABAMA			
(a) Operations and Maintenance and Program Support.....	53,460,458	237,764,549	291,225,007
(b) Auxiliary Enterprises		11,066,701	11,066,701
(c) Restricted Funds.....		20,570,000	20,570,000
SOURCE OF FUNDS:			
(1) ASETF	53,460,458		
(2) Other Funds		269,401,250	
Total Board of Trustees of Univer- sity of South Alabama	53,460,458	269,401,250	322,861,708
No funds herein appropriated to the University of South Alabama may be transferred to or ex- pended by any foundation or en- tity not governed by the Univer- sity Board of Trustees.			
XII. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY			
(a) Operations and Maintenance and Program Support	22,604,799	36,322,283	58,927,082

	ASETF	Fund Sources Included In Appropriation Total	
		Earmarked Funds	Appropriation Total
(b) Auxiliary Enterprises		9,082,753	9,082,753
(c) Restricted Funds		4,470,000	4,470,000
SOURCE OF FUNDS:			
(1) ASETF	22,604,799		
(2) Other Funds		49,875,036	
Total Board of Trustees of Troy State University	22,604,799	49,875,036	72,479,835

XIII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND

(a) Adult Programs	4,014,250	4,298,359	8,312,609
(b) Children and Youth Programs	11,803,596	3,844,542	15,648,138
(c) Industries for the Blind	2,117,894	16,709,111	18,827,005
SOURCE OF FUNDS:			
(1) ASETF	17,935,740		
(2) Other Funds		24,852,012	
Total Board of Trustees of Ala- bama Institute for Deaf and Blind	17,935,740	24,852,012	42,787,752

SECTION 5. There is hereby appropriated from the Alabama Special Educational Trust Fund 100% of insurance premium tax receipts on non-profit corporations to the Special Mental Health Trust Fund.

SECTION 6. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$3,245,400 from the ASETF for the pro rata ASETF cost of the 27th pay day in fiscal year 1993-94. These funds are to be distributed by the Department of Finance to state agencies for the pro rata ASETF cost of the 27th pay day (not otherwise provided for) based upon agency certification and Department of Finance verification in a format as prescribed by the Director of Finance.

SECTION 7. There is hereby appropriated \$2,080,000 from the ASETF for the pro rata ASETF cost of any bonus pay raise given to state employees for the fiscal year 1993-94. This appropriation is conditioned upon the granting of a pay bonus to state employees by the Alabama Legislature. These funds are to be distributed by the Department of Finance to state agencies for the ASETF cost of such bonus based upon agency certification and Department of Finance verification in a format prescribed by the Director of Finance.

SECTION 8. No other funds provided herein for the public schools, including funds for Other Current Expenses, transportation and salaries of the Minimum Program and Financial Assistance Program and/or for support personnel salaries, shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for

the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 9. The Examiners of Public Accounts may audit off-campus programs and classes offered by public institutions of higher education to insure that tuition is collected from each student taking a class for that amount advertised in the college catalog or other publications. It is the intent of the Legislature that any credit hours produced without tuition being collected will not be funded from state appropriations.

SECTION 10. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 11. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 12. It is the intent of the Legislature that all lunchroom workers' salaries funded from the Other Current Expense line in the Minimum Program and Financial Assistance Program be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

SECTION 13. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 14. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1994. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 15. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 16. (a) Funds appropriated from the ASETF or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ASETF or earmarked state funds in this act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that

consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 17. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 18. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 19. This Act shall become effective on October 1, 1993.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, HB 222, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 222

Amend the substitute for House Bill 222 on page 5, line 18 by deleting the figure "4,547,233" and inserting in lieu thereof the figure "4,447,233".

Further amend the substitute on page 5, line 12 and on page 6, line 5 by deleting the figure "17,444,144" and inserting in lieu thereof the figure "17,344,144".

Further amend the substitute on page 6, lines 2 and 5 by deleting the figure "5,980,808" and inserting in lieu thereof the figure "5,880,808".

Further amend the substitute on page 9 after line 30 by adding the following language:

"Teaching Children with Disabilities
Administration100,000".

Further amend the substitute on page 9, line 15 and on page 10, line 5 by deleting the figure "10,256,739" and inserting in lieu thereof the figure "10,356,739".

Further amend the substitute on page 10, lines 2 and 5 by deleting the figure "3,593,024" and inserting in lieu thereof the figure "3,693,024".

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment No. 2 to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222 on Page 14, after Line 15, by adding the following new language:

"(s) Math, Science and Debate Competition Program.....	50,000	
Source of Funds:		
(1) ASETF	50,000	
Total Math, Science and Debate Competition Program	50,000	50,000"

Further amend the substitute, as amended, for House Bill 222 on Page 14, Lines 18 and 21, by deleting the figure "35,900,718" and inserting in lieu thereof the figure "39,950,718".

Further amend the substitute, as amended, for House Bill 222 on Page 14, Line 21, by deleting the figure "430,492,659" and inserting in lieu thereof the figure "430,542,659".

Which was adopted.

Senator Ghee offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222, on page 17, lines 11, 13 and 15 by striking what ever number appears on the line and inserting in lieu thereof the number

"731,059,710".

Further amend the substitute, as amended, on page 30 by striking lines 16 through 30 and on page 31 by striking lines 1 through 8 and inserting in lieu thereof the following:

REGULAR SESSION
28th Day

2157

- "(13) Special Education Teacher
Units113,522,859
Total Teacher Units3,800.00
(aa) For Salaries
Total not to exceed \$99,452,403

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$28,207	399.00	\$11,254,593
I	26,410	2,926.00	77,275,660
II	22,994	475.00	10,922,150
		<u>3,800.00</u>	<u>\$99,452,403</u>

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

- (bb) For Other Current Expense
Per Teacher Unit3,458.96
Total not to exceed \$13,144,048
(cc) For Capital Improvements
Per Teacher Unit55.00
Total not to exceed \$209,000
(dd) For Transportation
Total not to exceed \$717,408"

On motion of Senator Horn, said amendment was laid on the table.

Yeas 17 Nays 12

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Dial, Dixon, Escott-Russell, Foshee, Hale, Horn, Langford, Mitchell, Mitchem, Owens, Sanders, Smith (B), and Windom -17

Nays:

Senators:

Bailey, Bennett, Campbell, Corbett, Denton, Floyd, Ghee, Little, Parsons, Smith (J), Waggoner, and Wilson -12

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 304. To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 162. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

Also:

S. 303. Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

Also:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting such investments; to delete reference to the Federal Savings and Loan Insurance Corporation and add references to the Bank Insurance Fund and Savings Association Insurance Fund; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 92. DESIGNATING APRIL 25, 1993, AS WORKERS' MEMORIAL DAY.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 91. COMMENDING VAUGHN ROAD ELEMENTARY SCHOOL, RECIPIENT OF RED BOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT AWARD.

Also:

SJR 93. CONGRATULATING MRS. ELLA HOLLIS RACHEL ON THE OCCASION OF HER 111TH BIRTHDAY.

Also:

SJR 94. COMMENDING MR. LONNIE DANIEL OF HOOVER, ALABAMA.

Also:

SJR 95. MOURNING THE DEATH OF WOODROW B. THRASH OF HEFLIN, ALABAMA.

Also:

SJR 98. RECOGNIZING THE HEROIC SERVICE OF THE 182ND FIELD ARTILLERY BATTALION, AND WELCOMING ITS OFFICERS TO ALABAMA FOR THEIR ANNUAL REUNION.

Also:

SJR 101. COMMENDING JANE DIFLEY ON OUTSTANDING ACHIEVEMENTS.

Also:

SJR 102. CONGRATULATING MR. AND MRS. STEVE VICKERY ON THE BIRTH OF THEIR NEW SON AND DAUGHTER.

Also:

SJR 103. COMMENDING VANIA CLEMONS AS MISS AUBURN 1993-94.

Also:

SJR 104. COMMENDING DR. BURL T. PATTERSON OF MOBILE, ALABAMA.

Also:

SJR 105. CONGRATULATING THE HELEN KELLER PUBLIC LIBRARY OF TUSCUMBIA, ALABAMA, ON 100 YEARS OF CONTINUOUS SERVICE.

Also:

SJR 106. URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND Support THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

Also:

SJR 107. DESIGNATING THE MAIN COURTROOM IN THE CLAY COUNTY COURTHOUSE AS THE "JUSTICE HUGO L. BLACK COURTROOM."

Also:

SJR 108. CONGRATULATING WILLIAM M. "BILLY" BEASLEY AS THE NEW OWNER OF TOOMER'S DRUGS IN AUBURN.

Also:

SJR 113. COMMENDING THE TROY STATE UNIVERSITY BASKETBALL TEAM.

Also:

SJR 114. COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

SJR 115. COMMENDING THE SELMA HIGH SCHOOL SAINTS ON AN OUTSTANDING 1993 BASKETBALL SEASON.

Also:

SJR 116. COMMENDING THE DALLAS COUNTY HIGH SCHOOL HORNETS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

SJR 117. COMMENDING THE SOUTHSIDE HIGH SCHOOL PANTHERS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 120. MOURNING THE DEATH OF WALLACE O. WHALEY.

Also:

SJR 121. CONGRATULATING MARIANTHE GRAMMAS.

Also:

SJR 122. DESIGNATING THE ROUTE OF THE CAHABA TRACE AS THE CAHABA TRACE OF ALABAMA.

Also:

SJR 125. RECOGNIZING THE ACCOMPLISHMENTS OF THE GREENE COUNTY CHAPTER II GIFTED/ENRICHMENT PROGRAM.

Also:

SJR 126. COMMENDING NORMAN ATKINS, JR., ON OUTSTANDING ACHIEVEMENTS.

Also:

SJR 127. COMMENDING AND EXPRESSING APPRECIATION TO THE ALABAMA POWER COMPANY EMPLOYEES.

Also:

SJR 128. NAMING THE "BILL FRANCE BOULEVARD" IN TALLADEGA COUNTY, ALABAMA.

Also:

SJR 130. RECOGNIZING HENRY HOLBERT ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 131. MOURNING THE DEATH OF JEAN SPENCER HINDS OF MONTGOMERY, ALABAMA.

Also:

SJR 133. COMMENDING THOMAS WILLIAM PARISH, SR., OF CLAYTON, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the

Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 222

The Senate proceeded to further consideration of the Bill, HB 222. The question was on the committee substitute, as amended.

Senator Bennett offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222 on page 43, lines 28 and 30 and on page 44, line 21 and on page 45, lines 14 and 16 by deleting the figure "237,911,040" and inserting in lieu thereof the figure "250,368,694".

On motion of Senator Horn, said amendment was laid on the table.

Yeas 15 Nays 14

Yeas:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Dial, Dixon, Ellis, Foshee, Hale, Horn, Lipscomb, Little, Mitchem, Owens, and Windom -15

Nays:

Senators:

Amari, Bennett, Bolling, Campbell, Corbett, Denton, Escott-Russell, Ghee, Lindsey, Mitchell, Parsons, Smith (J), Waggoner, and Wilson -14

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 222

The Senate proceeded to further consideration of the Bill, HB 222. The question was on the committee substitute, as amended.

Senator Floyd offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222 on page 35 after line 31 by adding the following:

"(22) Salary Increases for Locally Funded
Teacher Units.....14,418,662".

Further amend the substitute, as amended, on page 17, lines 11, 13 and 15 by deleting the number that appears and inserting in lieu thereof the number "742,510,078".

On motion of Senator Barron, said amendment was laid on the table.

Senator Parsons offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222 on page 35, after line 31 by adding the following:

"(22) Capital Outlay for Replacement of
School Buses4,900,000
The above appropriation shall be distributed on an equitable formula developed by the State Board of Education in such a manner as to replace as many as possible of the school buses built before 1978 and currently operating in the several school systems of this state."

Further amend the substitute, as amended, on page 17, lines 11, 13 and 15 by deleting the number that appears and inserting in lieu thereof the number " ".

On motion of Senator Barron, said amendment was laid on the table.

Yeas 19 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Waggoner, and Windom -19

Nays:

Senators:

Amari, Campbell, Corbett, Floyd, Langford, Parsons, and Wilson - 7

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 763. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for

drug inspection of the board, provide further for the qualifications, nomination, election, and appointment of board members, and provide further for reimbursement for relief pharmacists.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF HB 222

The Senate proceeded to further consideration of the Bill, HB 222. The question was on the committee substitute, as amended.

Senator Escott-Russell offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 222

Amend the substitute, as amended, for House Bill 222, on page 17, lines 11, 13 and 15 by striking what ever number appears on the line and inserting in lieu thereof the number

"729,594,980".

Further amend the substitute, as amended, on page 34 by striking lines 15 through 31 and on page 35 by striking lines 1 through 4 and inserting in lieu thereof the following:

*(19) Guidance Counselor Teacher	
Units	11,031,336
Total Teacher Units	366.84

(aa) For Salaries	
Total not to exceed	\$9,742,275

**REGULAR SESSION
28th Day**

2169

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$28,207	44.02	\$1,241,672
I	26,410	315.48	8,331,827
II	22,994	7.34	168,776
		<u>366.84</u>	<u>\$9,742,275</u>

The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

(bb) For Other Current Expense
Per Teacher Unit.....3,458.96
Total not to exceed\$1,268,885
(cc) For Capital Improvements
Per Teacher Unit.....55.00
Total not to exceed\$20,176"

On motion of Senator Barron, said amendment was laid on the table.

Yeas 19 Nays 11

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Mitchell, Mitchem, Owens, Smith (B), Waggoner, and Windom -19

Nays:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, Escott-Russell, Floyd, Langford, Little, Smith (J), and Wilson -11

Senator Bailey offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill No. 222 Page 45 after Line 16 by inserting the following:

In addition to the above appropriation to the Public Employees Health Insurance Board, there is hereby appropriated from the ASETF such additional amount as may be necessary to fully fund health claims plus maintain a 5% reserve in the PEEHIP fund based on claims paid in the fiscal year beginning October 1, 1993. At the end of each quarter of the fiscal year beginning October 1, 1993, the PEEHIP Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims for that quarter and the Board's best estimate of the amount necessary to pay claims for the remainder of the fiscal year and the amount necessary to maintain a 5% reserve based on such

estimate for the fiscal year ending September 30, 1994. By September 15, 1994 the PEEHIP Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims through August 31, 1994. The State Finance Director shall direct that the additional amount necessary to insure that the PEEHIP actual claims paid through August 31, 1994 and a reasonable estimate of claims to be paid in September 1994 based on actual paid claims through August are fully paid plus the additional amount necessary for the maintenance of a 5% reserve based on paid claims for fiscal year 1994 shall be transferred from the ASETF to the PEEHIP Fund, such transfer must be made prior to September 30, 1994.

Which was adopted.

Senator Barron offered the following amendment to the substitute, as amended, for the Bill, HB 222, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,
FOR HB 222**

Amend the substitute, as amended, for House Bill 222, on page 7 following line 4 by inserting the following:

"State Occupational Information
Coordinating Committee250,000
To be conditioned upon the availability
of funds in the ASETF, the recommen-
dation of the Finance Director and the
approval of the Governor"

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 30 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-30

Nay: Senator Parsons

- 1

And said Bill, HB 222, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 31 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nay: Senator Amari

- 1

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 113, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 113. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, HB 113, to-wit:

SUBSTITUTE FOR HB 113

To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

On motion of Senator Hale, said substitute was laid on the table.

On motion of Senator Hale, the Rules were suspended and further

consideration of the Bill, HB 113, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, SB 492.

Senator Lindsey, B.I.R., SB 492, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 492. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse; to amend Section 26-14-7 of the Code of Alabama 1975, to revise the definition of neglect and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices; and to amend Section 26-14-7 to provide for private interviews of children, and to provide for a court order to obtain access to the home or child to complete the investigation.

was taken up.

Senator Lindsey offered the following substitute for the Bill, SB 492, to-wit:

SUBSTITUTE FOR SB 492

A BILL TO BE ENTITLED AN ACT

To amend Section 26-14-3 of the Code of Alabama 1975, to pro-

vide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

BE IT ENACTED BY THE LEGISLATURE OF Alabama:

Section 1. The duty and responsibility for the investigation of reports of suspected child abuse or neglect shall be as follows:

(1) Reports of suspected child abuse or neglect involving disciplinary or corporal punishment committed in a public or private school or kindergarten shall be investigated by law enforcement agencies.

(2) Reports of suspected child abuse or neglect committed in a state-operated child residential facility shall be investigated by law enforcement agencies.

(3) All other reports of suspected child abuse and neglect shall be investigated by the Department of Human Resources.

Section 2. Section 26-14-1, Code of Alabama 1975, is amended to read as follows:

"§26-14-1.

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) ABUSE. Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. 'Sexual abuse' includes ~~rape, incest and sexual molestation as those acts are defined by Alabama law~~ the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. 'Sexual

exploitation' includes allowing, permitting or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming or depicting of a child for commercial purposes.

"(2) **NEGLECT.** Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter; ~~provided, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone, shall not be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.~~

"(3) **CHILD.** A person under the age of 18 years.

"(4) **DULY CONSTITUTED AUTHORITY.** The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the department of human resources; or any person, organization, corporation, group, or agency authorized and designated by the department of human resources to receive reports of child abuse and neglect; provided, that a 'duly constituted authority' shall not include an agency involved in the acts or omissions of the reported child abuse or neglect."

Section 3. Section 26-14-3, Code of Alabama 1975, is amended to read as follows:

"§26-14-3.

"(a) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, or any other person called upon to render aid or medical assistance to any child, when ~~such~~ the child is known or suspected to be a victim of child abuse or neglect, shall be required to report, or cause a report to be made of the same, orally, either by telephone or direct communication immediately, followed by a written report, to a duly constituted authority.

"(b) When ~~a~~ an initial report is made to a law enforcement official, ~~such~~ the official subsequently shall inform the department of human resources of the report so that the department can carry out its responsibility to provide protective services when deemed appropriate to the respective child or children.

"(c) When the Department of Human Resources receives initial

reports of suspected abuse or neglect involving discipline or corporal punishment committed in a public or private school or suspected abuse or neglect in a state-operated child residential facility, the Department of Human Resources shall transmit a copy of school reports to the law enforcement agency and residential facility reports to the law enforcement agency and the operating state agency which shall conduct the investigation. When the investigation is completed, a written report of the completed investigation shall contain the information required by the State Department of Human Resources which shall be submitted by the law enforcement agency or the state agency to the county department of human resources for entry into the state's central registry.

"(d) Nothing in this chapter shall preclude interagency agreements between Departments of Human Resources, law enforcement, and other state agencies on procedures for investigating reports of suspected child abuse and neglect to provide for Departments of Human Resources to assist law enforcement and other state agencies in these investigations."

Section 4. When an investigation of child abuse or neglect by the Department of Human Resources determines that a parent or legal guardian legitimately practicing his or her religious beliefs has not provided specific medical treatment for a child, the parent or legal guardian shall not be considered a negligent parent or guardian for that reason alone. This exception shall not preclude a court from ordering that medical services be provided to the child when the child's health requires it.

Section 5. The provisions of the act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. Section 4 of this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law. The remaining sections of this act shall become effective 180 days after its passage and approval by the Governor and shall apply to all pending or uninvestigated reports regardless of the date the report was filed.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (J), and Windom

-23

Nays:

- 0

And said Bill, SB 492, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (J), and Windom
-23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Buskey, Black (M), and Spratt:

H. 554. To provide that each telecommunications utility and/or company that provides operator services shall ensure that a caller may access a live operator.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 554 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 636. To exempt all property owned and used by the Ten-

nessee Valley Voiture 1012 from any state, county, and local ad valorem taxes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 636 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kennedy:

H. 525. To amend Sections 41-9-741, 41-9-742, and 41-9-744, Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

Also:

By Rep. McMillan:

H. 1004. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 525 - to the Committee on Economic Affairs

HB 1004 - to the Committee on Commerce, Transportation, and Utilities

RECESS

At 6:15 P.M., on motion of Senator Hale, the Senate took a recess until 7:45 P.M.

At 7:45 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 492. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse and neglect; and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

And the Speaker of the House has appointed as Committee on part of the House, Representatives Carothers, Hammett, and Hall.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 8. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 367. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 233. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 194. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 238. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 335. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 248. To make an appropriation from the State General Fund

to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 263. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 413. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 328. To make an appropriation to the Department of Public Health from the Alabama Legacy for Environmental Research Trust for the fiscal year ending September 30, 1993.

Also:

S. 661. To provide that all appropriations from the State General Fund for the fiscal year ending September 30, 1993 that are subject to proration shall be reduced by the Department of Finance to the level that equals 3.2% proration for the fiscal year 1992-93 and to provide that any revenue deposited into the State General Fund in excess of the amount required to cover that level of appropriations from the fund shall be carried over to the fiscal year beginning October 1, 1993.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 139. RECOGNIZING WILLIAM B. KENNEDY, JR. ON THE OCCASION OF HIS RETIREMENT.

GREG PAPPAS,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

S. 4. To establish the Alabama Small Business Incubator Act of 1994 to promote, establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and make an appropriation.

Also:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 914, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 914. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

Senator Windom moved that the Senate reconsider the vote by which the Bill, HB 914, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF HB 113

The Senate proceeded to further consideration of the Bill, HB 113.

Senator Hale offered the following substitute for the Bill, HB 113,
to-wit:

SUBSTITUTE FOR HB 113

**A BILL
TO BE ENTITLED
AN ACT**

To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

BE IT ENACTED BY THE LEGISLATURE OF Alabama:

Section 1. There is established a Recycling Industry and Market Development Council to assist in the development of markets in this state for recovered materials and products with recycled content.

Section 2. The members of the council shall be appointed not later than 90 days after this act is effective.

Section 3. The council shall consist of 15 appointed members, as follows:

(1) One member representing the paper industry, appointed by the Speaker of the House of Representatives.

(2) One member representing the oil industry, appointed by the Governor.

(3) One member representing county governments, who shall be appointed by the Governor.

(4) One member representing the solid waste collection and disposal industry, appointed by the Lieutenant Governor.

(5) One member representing the recycling industry, appointed by the Lieutenant Governor.

(6) One member representing the aluminum industry, appointed by the Lieutenant Governor.

(7) One member representing the steel can and steel scrap recycling industry, appointed by the Governor.

(8) One member representing municipalities, appointed by the Speaker of the House of Representatives.

(9) One member representing the glass industry, appointed by the Lieutenant Governor.

(10) One member representing the plastics industry, appointed by the Speaker of the House of Representatives.

(11) One member representing higher education research institutions, appointed by the Governor.

(12) One member representing the tire industry, appointed by the Governor.

(13) One member representing the hazardous waste recycling industry, appointed by the Lieutenant Governor.

(14) One member representing the general public, appointed by the Chair of the House Standing Committee on Commerce, Transportation, and Utilities, from a list provided by non-profit organizations each having its principal program extending generally throughout the state whose primary concerns are environmental protection for the state and its citizens and whose membership exceeds 500 individual residents of Alabama, including, but not limited to, the Alabama Audubon Council (comprising the chapters in Alabama of the National Audubon Society), the Alabama Conservancy, the Alabama Chapter of the Sierra Club and their respective successor organizations.

(15) One member representing the general public, appointed by the Chair of the Senate Standing Committee on Commerce, Transportation and Utilities, from a list provided by non-profit organizations each having its principal program extending generally throughout the state whose primary concerns are environmental protection for the state and its citizens and whose membership exceeds 500 individual residents of Alabama, including, but not limited to, the Alabama Audubon Council (comprising the chapters in Alabama of the National Audubon Society), the Alabama Conservancy, the Alabama Chapter of the Sierra Club and their respective successor organizations.

Section 4. Each member of the council shall serve a two-year term beginning on the date of appointment until a successor is qualified and appointed.

Section 5. (a) The council shall select a chair and vice-chair. The council shall adopt operating procedures and meet on the call of the chair or of a majority of the members. A majority of members constitutes a quorum to do business.

(b) The council may apply for and receive grants, contributions, or donations from any source, including the state and federal governments, in order to carry out the duties and responsibilities of the council as provided in this act.

Section 6. Not later than the first day of the next regular session of the Alabama Legislature following the appointment of the council, the council shall provide to the Governor and to the Legislature an initial report which, at a minimum, shall include:

(1) A description and analysis of this state's existing recycling industry.

(2) An analysis of the projected long-term capacity of existing markets to absorb materials generated by source separation, recovery, or recycling programs.

(3) An analysis of potential markets in this state, in other states, or in foreign countries for recovered materials and products with recycled content from this state.

(4) An analysis of institutional, economic, and technical barriers to the use of recovered materials and products with recycled content.

(5) Recommendations for actions which may be taken to increase demand for source separated, recovered or recycled materials or products.

(6) Recommendations for actions which may be taken to increase the incentives for private individuals and for business and industry to consume or export recovered materials and products with recycled content.

(7) An analysis of the compatibility of recycling with waste treatment or disposal methods and recommendations on the feasibility of the implementation of mechanisms for cooperative marketing for recyclable materials.

(8) Recommendations on categories of materials which should be recovered, given existing and potential markets for those materials.

(9) A study of methods and cost effectiveness of source separation and recycling of recovered materials.

(10) A study of packaging reduction.

(11) A study of the design of products at the primary stage of development to promote recyclability.

Section 7. Following its initial report, the council may submit to the Governor and to the Legislature by the end of each calendar year an annual report on recycling activities in this state which, at a minimum, shall include:

(1) Revisions which the council determines necessary to its initial report.

(2) A description and analysis of the amounts and types of waste materials recovered or recycled in this state during the preceding year.

(3) Recommendations regarding materials which should be added to or deleted from source separation, recovery, and recycling programs.

(4) Any other recommendations, including tax incentives, to facilitate the development of markets for recovered materials or products in this state.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Waggoner, and Windom -24

Nays:

- 0

And said Bill, HB 113, as amended by the substitute, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Smith (B), Waggoner, and Windom -24

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has amended as therein shown and, as amended, has

passed the following Senate Bill and returns same herewith to the Senate:

S. 100. Authorizing the owner of goods for sale to bring a civil action to recover damages and expenses for the recovery of merchandise from any person who commits or attempts to commit a theft of the goods and specifying the damages and expenses for the recovery of merchandise therefor; and providing for a delayed effective date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate concurred in and adopted the following House amendment to the Bill, SB 100, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SB 100

Amend SB 100 on Page 4, Section 4, Line 30, after the words "a district court" by inserting the following language:

in the county where the merchant is located, if

Also amend SB 100, Line 30, after the words "a district court" by striking the word:

~~where~~

Yeas 22 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

Senators:

Amari and Corbett

- 2

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 141. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in

the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Eighth Legislative day only.

	Page
H. 321	192
Education personnel, cost-of-living salary incr.	
S. 184	5
Fraternal Order of Police, distinc. license plates auth.	
S. 263	9
Regional planning and development commissions, powers and duties expanded, Sec. 11-85-56 am'd.	
S. 672	196
Superintendent of Banks, provision to serve until successor is qualified, removed, Sec. 5-2A-3 am'd.	
H. 105	160
Employees' Retirement System, cert. ct. clks. and registers allowed to join, Secs. 12-17-145, 12-17-161 am'd.	
S. 5	3
Elevators, licensing of provided	
S. 453	71
Law enforcement officers, "calendar week" defined in calculating overtime comp. and compensatory time, Secs. 36-21-4, 36-21-5 am'd.	
S. 581	131
S. 378	80
Human Resources Dept., fees for investigation in divorce cases, Sec. 30-3-7 repealed	
S. 547	120
Superintendents of ed., co. and city, qualifications standardized, Secs. 16-9-1, 16-9-2, 16-12-1, 16-12-2 am'd.; Sec. 16-9-12 repealed	
H. 163	
S. 533	
S. 434	50
Child abuse, crime of transferred to criminal code, Secs. 26-15-1 to 26-15-4 repealed	

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S. 667	191
Technical and community colleges, replace "trade school" in various laws, composition of cert. advisory bds., transfer of prop., location of colleges, numerous secs. in Titles 16, 25, 31, 32, 34, 36, and 41 am'd.	
S. 613	159
H. 652	155
State bd. of ed., membs. indemnified for personal liability	
S. 176	178
Supernumerary cir. judges, qualifications further provided, Sec. 12-17-40 am'd.	
S. 191	32
Forestry and horticulture areas, urban educational and job training program established	
H. 925	150
HIV infected persons, st. health officer req. to provide information re in cert. criminal proceedings, Sec. 22-11A-38 am'd.	
S. 180	59
Employees' Retirement System, mayors, sheriffs, and cert. other elected co. or mun. officials auth. to participate, consti. amend.	
H. 337	147
Contractors performing public works contracts, exempt from additional severance, sales and use taxes incurred as a result of tax increases during performance of contract	
S. 637	183
Commission on Aging, supp. approp.	
S. 247	30
Class 3 muns., number of membs. on mun. bd., committee or like body, same as number on mun. gov. body	
S. 121	29
Motorcycles and motor driven vehicles, may purchase commemorative and personalized license plates, Sec. 32-6-150 am'd.	
S. 175	28
Boards of ed., co. and city, req. to give all employees written copy of policies, Secs. 16-8-10, 16-11-18 am'd.	

S. 523	226
Judicial Retirement System, appellate judges may purchase military service credit, limits, Sec. 36-27-49.3 am'd.	
S. 568	119
Criminal Justice Information Center, policies re arrest and crim. history info. to conform to National Crime Information Center, maintenance and dissemination of arrest info., Secs. 41-9-594, 41-9-625 am'd.; Secs. 41-9-639, 41-9-641 repealed	
S. 670	175
Water, sewer, and fire protection authorities organized pursuant to Title 11, Ch. 88, bd. of dirs., membs. incr. when area served is incorporated into mun., Sec. 11-88-6 am'd.	
S. 331	93
Employer immunity from civil liability for providing job performance or professional conduct evaluations of former employees	
S. 490	120
Students, uniform dress prog., local school bds. auth. to implement	
S. 450	50
Medical debts incurred in st. licensed hospital, spouse to be held liable	
S. 604	181
Supernumerary clerks and registers, terms of office, comp., contributions to clerks and registers supernumerary fund, Secs. 12-17-142, 12-17-143 am'd.	
S. 611	136
Public and non-public hospitals, cert. taxes and charges for Medicaid Prog. repealed, disproportionate share payment to hospitals reg., Secs. 22-6-60 to 22-6-64, 40-26B-40 to 40-26B-47 repealed	
S. 125	38
Divorce settlement awards, allowance for retirement pension benefits further provided, Sec. 30-2-51 am'd.	
S. 460	70
Innkeepers Rights Act, estab., penalties	

S. 416 84
County bd. of ed., vacancy appointment for unexpired term or next election, Sec. 16-8-6 am'd.

S. 535 150
Contracts, req. competitive bids, not to be awarded for more than 10 yrs. and all other lease-purchase contracts not to be awarded for more than five yrs., Sec. 41-16-57 am'd.

S. 159 47
Medicare supplement policies, time to return policy by applicant, 30 days, Sec. 27-19-57 am'd.

S. 335 44
Competitive bids, public contracts preference given to Alabama persons, firms, or corporations, Sec. 41-16-27 am'd.

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 321, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -26

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 321. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

The Standing Committee on Public Welfare reported the following amendment to the Bill, HB 321, to-wit:

AMENDMENT TO HB 321

Amend House Bill 321 on Page 2, beginning on Line 2, after the language "1993-1994" by deleting the existing language, "over and above the salary received during the 1992-93 fiscal year." and inserting in lieu thereof the new language, "calculated upon 1992-93 state allocations."

Further amend House Bill 321 on Page 2, beginning on Line 5, after the language "1993-94" by deleting the existing language, "over and above the total salary received during the 1992-93 fiscal year" and inserting in lieu thereof the new language, "calculated on the portion of the employee's 1992-93 fiscal year salary which was funded by the Alabama Special Education Trust Fund".

Further amend House Bill 321 on Page 2, beginning on Line 12, after the language "1993-94" by deleting the existing language "over and above the salary received during the 1992-93 fiscal year." and inserting in lieu thereof the new language, "calculated upon 1992-93 state allocations."

Further amend House Bill 321 on Page 3, Lines 23 through 32, by deleting subsection (f) in its entirety.

On motion of Senator Corbett, said amendment was laid on the table.

Senator Owens offered the following amendment to the Bill, HB 321, to-wit:

AMENDMENT TO HB 321

Amend House Bill 321 on Page 2, beginning on Line 2, after the language "1993-1994" by deleting the existing language, "over and above the salary received during the 1992-93 fiscal year." and inserting in lieu thereof the new language, "calculated upon state allocations."

Further amend House Bill 321 on Page 3, Lines 23 through 32, by deleting subsection (f) in its entirety.

On motion of Senator Corbett, said amendment was laid on the table.

Yeas 17 Nays 12

Yeas:

Senators:

Bolling, Campbell, Corbett, Denton, Escott-Russell, Floyd, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (J), Wilson, and Windom

-17

Nays:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Dial, Dixon, Hale, Hill, Mitchem, Owens, Smith (B), and Waggoner

-12

And said Bill, HB 321, was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, HB 723.

Senator Barron, B.I.R., HB 723, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 723. Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and services for persons caring for certain Alzheimer's disease patients, requiring certain legislative funding, and authorizing the levying of certain fees.

was read a third time at length and passed.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett,

deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 184, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 184. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was taken up.

Senator Corbett offered the following substitute for the Bill, SB 184, to-wit:

SUBSTITUTE FOR SB 184

A BILL TO BE ENTITLED AN ACT

To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A member of the Fraternal Order of Police who

is the owner of a motor vehicle and a resident of the state may be issued a license tag or plate bearing the words "Fraternal Order of Police" across the top portion of the tag or plate upon which, in lieu of the numbers prescribed by law, shall be inscribed distinctive words or marks provided by the Department of Revenue. The member of the Fraternal Order of Police shall make application to the judge of probate or license commissioner, comply with the motor vehicle registration and licensing laws, pay the regular fees required by law for license tags or plates for private passenger or pleasure motor vehicles, and pay an additional fee of ten dollars (\$10).

(b) The tags or plates shall be issued, printed, and processed like other distinctive and personalized tags and plates provided for in Chapter 6 of Title 32 of the Code of Alabama 1975. The tags or plates shall be valid for five years and may be replaced with either a conventional, personalized, or new "Fraternal Order of Police" tags or plates. Payment of required license fees and taxes for the years during which a new tag or plate is not issued shall be evidenced as provided in Section 32-6-63 of the Code of Alabama 1975.

Section 2. The proceeds of the additional revenues generated by the ten dollar (\$10) fee for the "Fraternal Order of Police" tags and plates shall be deposited in the General Fund.

Section 3. As a first charge against revenues collected under this act, to offset its initial costs in administering these collections, there is appropriated to the Department of Revenue for the fiscal year ending September 30, 1994, the sum of three thousand dollars (\$3,000). The Legislature shall appropriate to the department for each fiscal year the amount of money necessary to offset any expenses the department incurs in administering and enforcing this act.

Section 4. The distinctive license plates or tags issued pursuant to this act shall not be transferable between motor vehicle owners, and in the event the owner of a vehicle bearing the distinctive plates sells, trades, exchanges, or otherwise disposes of the motor vehicle, the plates shall be retained by the owner to whom issued and returned to the judge of probate or license commissioner of the county, who shall receive and account for the tags or plates as provided in this section. In the event the owner acquires by purchase, trade, exchange, or otherwise a vehicle for which no standard plates have been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner proper certification of the acquisition of the vehicle and the payment of the motor vehicle license tax due upon the vehicle, authorize the transfer of the distinctive license plates or tags previously purchased by the owner to the vehicle, which plates or tags shall authorize the operation of the vehicle for the remainder of the then current license period. In the event the owner of the distinctive license

plates or tags acquires by purchase, trade, exchange, or otherwise a vehicle for which standard plates have been issued during the current license year, the judge of probate or license commissioner shall, upon proper certification of the owner and upon delivery to the official of the standard plates previously issued for the vehicle, authorize the owner of the newly-acquired vehicle to place the distinctive license plates or tags previously purchased the vehicle and use the plates for the remainder of the then current license period. The notice of transfer of ownership shall be made of record by the judge of probate or the license commissioner.

Any person acquiring by purchase, trade, exchange, or otherwise any vehicle formerly bearing the distinctive plates may, upon certification of the fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, purchase standard replacement plates for the vehicle which shall authorize the operation of the vehicle by the new owner for the remainder of the license period.

Section 5. Upon termination of membership with the Fraternal Order of Police, an applicant to whom a Fraternal Order of Police license plate was issued under this section shall, within 30 days, return the plate to the judge of probate or the license commissioner of the county of the applicant's residence.

Section 6. If the Fraternal Order of Police license plate deteriorates to the point where inscriptions thereon are not discernible, the owner or lessee may obtain a replacement plate according to Section 40-12-265 of the Code of Alabama 1975.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective on January 1, 1994.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-31

Nays:

- 0

And said Bill, SB 184, as amended by the substitute, was read a

third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 263, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 263. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

On motion of Senator Lindsey, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 263.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 672, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 672. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banking, to provide further for the qualifications for holding the office of Superintendent of Banking and for the expiration of the term of office; and to provide that this act shall be effective retroactively from November 1, 1990.

was taken up.

Senator Windom offered the following substitute for the Bill, SB 672, to-wit:

SUBSTITUTE FOR SB 672

A BILL TO BE ENTITLED AN ACT

To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banking, to provide further for the expiration of the term of office.

BE IT ENACTED BY THE LEGISLATURE OF Alabama:

Section 1. Section 5-2A-3, Code of Alabama 1975, is amended to read as follows:

"§5-2A-3.

"The state banking department shall be in the charge of the superintendent, who shall be the chief executive officer of the department. The superintendent shall be a person of good character and shall be neither directly nor indirectly interested in, nor borrow money from, a bank chartered under the laws of this state. Debts of the superintendent existing at the time of his or her appointment with banks chartered under the laws of this state may not be extended or renewed. The superintendent shall be appointed by the governor by and with the consent of the senate. The term of office of the superintendent shall expire on the first day of February after the expiration of the term of office of the governor making the appointment, ~~but he may continue to serve until his successor is appointed and has qualified.~~ If for any reason there should be a vacancy in the office while the senate is not in session, the governor shall appoint a superintendent and ~~such~~ the superintendent shall hold office and exercise the powers conferred by law upon ~~him~~ the office until the senate meets and passes on the appointment, ~~and if.~~ If his the appointment is disapproved by the senate, the appointee shall vacate the office immediately and another appointment shall be made by the governor in like manner until an appointment is confirmed by the senate. To be eligible for appointment as superintendent, a person ~~must~~ shall have had at least five years' experience in the 10 years next preceding ~~his the~~ appointment either as an officer ~~or director~~ of a an Alabama bank or an examiner or other officer in a federal or state bank supervisory agency, including the office of the comptroller of the currency, the federal reserve system, the federal deposit insurance corporation, and the banking departments of the various states or other equivalent experience for at least five years in the 10 years next preceding ~~his the~~ appointment."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-31

Nays:

- 0

And said Bill, SB 672, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 105. Amending Sections 12-17-145 and 12-17-161, Code of Alabama 1975, to allow certain court clerks and registers to elect to participate in the supernumerary fund by a certain deadline.

was taken up.

On motion of Senator Amari, the Rules were suspended and further consideration of the Bill, HB 105, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 5, adopted.

Yeas 30 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 5. To provide for the regulation of elevators, dumbwaiters, escalators, moving walks, manlifts, and associated facilities and equipment; and to provide for penalties for violations.

was taken up.

The Standing Committee on Economic Affairs reported the following amendment to the Bill, SB 5, to-wit:

AMENDMENT TO SB 5

Amend Senate Bill No. 5, on Page 4, Line 27, as follows:

Add new subsection (16) to read "(16) Owner or Lessee. As used in this act the terms owner and lessee, whether used separately or in conjunction, do not include any person engaged primarily in the coal mining industry; nor shall any provision of this act apply to any equipment, mechanism, or device utilized or installed at or in any mine site or related facility."

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 5, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the Bill, SB 159.

Senator Dial, B.I.R., SB 159, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 159. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraf-fenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 453, adopted.

Yeas 30 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraf-fenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 453. To amend Sections 36-21-4 and 36-21-5 of the Code of Alabama 1975, so as to define "calendar week."

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraf-fenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., SB 581, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 581. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 378, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett,

deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 378. To repeal Section 30-3-7, Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in cases involving divorce or divorce modification.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 105, adopted.

Yeas 27 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

Senators:

Foshee and Little

- 2

FURTHER CONSIDERATION OF HB 105

The Senate proceeded to further consideration of the Bill, HB 105.

And said Bill, HB 105, was read a third time at length and passed.

Yeas 27 Nays 2

**REGULAR SESSION
28th Day**

2207

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

Senators:

Foshee and Little

- 2

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 547, adopted.

Yeas 27 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

Senators:

Foshee and Little

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 547. To amend Sections 16-9-1, 16-9-2, 16-12-1, and 16-12-2, and to repeal Section 16-9-12, Code of Alabama 1975, relating to county and city superintendents of education; to standardize qualifications and requirements for the superintendents; to require an annual evaluation of the superintendents; and to propose a plan to phase out elected county superintendents.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 9

Yeas:

Senators:

Barron, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Mitchell, Mitchem, Sanders, Smith (B), Waggoner, and Wilson -21

Nays:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, Little, Owens, Smith (J), and Windom - 9

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., HB 163, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nay: Senator Bolling

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 163. To amend Section 36-21-70, Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, relating to the Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (J), Waggoner, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 533, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 533. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

was taken up.

Senator Windom offered the following amendment to the Bill, SB 533, to-wit:

AMENDMENT TO SB 533

On page 8, line 24, in Section 2, after the comma insert:

investments in domestic and foreign insurance subsidiaries shall be excluded, and

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-27

Nays:

- 0

And said Bill, SB 533, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom
-27

Nays:

- 0

FURTHER CONSIDERATION OF SB 5

The Senate proceeded to further consideration of the Bill, SB 5.
The question was on the Committee amendment.

Which was adopted.

Yeas 15 Nays 8
Abstaining 1

Yeas:

Senators:

Bennett, Corbett, deGraffenried, Denton, Escott-Russell, Foshee, Ghee,
Langford, Lindsey, Mitchell, Parsons, Sanders, Waggoner, Wilson, and
Windom -15

Nays:

Senators:

Bailey, Bolling, Dial, Dixon, Floyd, Hill, Mitchem, and Smith (J) - 8

Abstaining: Senator Little - 1

Senator Corbett offered the following amendment to the Bill SB 5,
as amended, to-wit:

AMENDMENT TO SB 5, AS AMENDED

Amend SB 5, as amended, by inserting after the period following
the word "insured" on page 9, line 23 the following section:

Section 6. The provisions of this act shall not apply to any elevator, dumbwaiter, escalator, moving walk, manlift or associated facilities or equipment which is subject to regulation pursuant to the Occupational Safety and Health Act of 1970 (PL. 91 - 596; 84 stat 1590 et. seq.) or which is regulated by any county or municipality.

Further amend SB 5, as amended, by renumbering Sections 6, 7, 8 and 9 as Sections 7, 8, 9 and 10 respectively.

Which was adopted.

Yeas 21 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis,
Floyd, Foshee, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons,
Sanders, Smith (B), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Dial and Hill - 2

And said Bill, SB 5, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 15 Nays 5

Yeas:

Senators:

Bennett, Campbell, Corbett, Denton, Ellis, Escott-Russell, Foshee, Horn, Langford, Mitchell, Parsons, Sanders, Smith (B), Wilson, and Windom -15

Nays:

Senators:

Bailey, Dixon, Floyd, Hill, and Smith (J) - 5

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 434, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 434. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 434, to-wit:

AMENDMENT TO SB 434

Amend Senate Bill 434 on Page 2, line 7, by inserting after the word "punished" the language "as a Class C Felony." and deleting the balance of the sentence.

Which was adopted.

Yeas 24 Nays 0

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hill, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 434, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 667, adopted.

Yeas 27 Nays 0

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 667. To amend Sections 16-3-3, 16-16-10, 16-17-1, 16-18-1, 16-25A-8, 16-27-2, 16-27-5, 16-33-4, 16-33-7, 16-60-88, 16-60-89, 16-60-90, 16-60-110, 16-60-111.1, 16-60-111.2, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8, 16-60-113, 16-60-114, 16-60-132, 16-60-152, 16-60-170, 16-60-171, 16-60-172, 16-60-173, 16-60-190, 16-60-191, 16-60-193, 16-60-194, 16-60-195, 16-60-197, 16-60-198, 25-9-11, 31-6-5, 31-6-6, 31-6-12, 31-6-13, 31-

6-15, 31-6-16, 32-14-5, 34-7-1, 34-7-4, 34-7-16, 34-7-17, 34-7-24, 36-16-11, 41-9-436, 41-9-784, 41-16-50, 41-16-51, 41-16-60, and 41-21-1, Code of Alabama 1975; replacing the term trade school with the term technical college and community college; defining certain terms; providing for the appointment and composition of the Advisory Boards of Southern Union College and Snead Junior College; providing for the transfer of certain property to the Frank Lee Youth Center; providing for the location of certain technical colleges; expanding the composition and providing for the appointment of the technical colleges advisory commission; and providing for a prospective effective date.

was taken up.

On motion of Senator Bennett, the Rules were suspended and further consideration of the Bill, SB 667, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., SB 613, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 613. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order

such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 12 Nays 9

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Little, Mitchell, Mitchem, Smith (B), and Windom -12

Nays:

Senators:

Bailey, Corbett, Escott-Russell, Floyd, Horn, Langford, Sanders, Smith (J), and Wilson - 9

RULE 35 SUSPENDED

On motion of Senator Corbett, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill's, SB's 492, 184, 672, 159, 453, 581, 378, 547, 533, and 434.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 652, adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Denton, Dial, Escott-Russell, Floyd, Foshee, Hill, Horn, Langford, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

Nay: Senator Dixon

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 652. To indemnify members of the State Board of Education for personal liability by including such members under the general liability insurance coverage of the General Liability Trust Fund of the State of Alabama.

was read a third time at length and passed.

Yeas 20 Nays 1

**REGULAR SESSION
28th Day**

2215

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Denton, Dial,
Escott-Russell, Floyd, Foshee, Hill, Horn, Langford, Little, Mitchell,
Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

Nay: Senator Dixon

- 1

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 672. To amend Section 5-2A-3, Code of Alabama 1975, relating to the appointment of the Superintendent of Banking, to provide further for the expiration of the term of office.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 184. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 176, adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Denton, Dial,
Escott-Russell, Floyd, Foshee, Hill, Horn, Langford, Little, Mitchell,
Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

Nay: Senator Dixon

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 176. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary circuit judges.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 7

Yeas:**Senators:**

Amari, Bedsole, Bennett, Campbell, deGraffenried, Denton, Escott-Russell, Foshee, Ghee, Horn, Langford, Mitchem, Sanders, Smith (B), Smith (J), and Windom -16

Nays:**Senators:**

Bailey, Barron, Floyd, Hill, Lipscomb, Little, and Mitchell - 7

On motion of Senator Bedsole, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 176.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 191, adopted.

Yeas 22 Nays 0

Yeas:**Senators:**

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 191. To establish an urban educational and job training program in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission and to be entitled the Urban and Community Forestry Financial Assistance Program.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

On motion of Senator Horn, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 191.

BUDGET ISOLATION RESOLUTION

Senator Escott-Russell, B.I.R., HB 925, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 925. Amending Section 22-11A-38, Code of Alabama 1975, specifying circumstances in which the State Health Officer or the designee of the officer would be required to disclose information regarding HIV infected persons for certain criminal proceedings.

was read a third time at length and passed.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., SB 180, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 180. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

was taken up.

Senator Denton offered the following substitute for the Bill, SB 180, to-wit:

SUBSTITUTE FOR SB 180**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that no mayor, sheriff or any elected or appointed county official shall assume a supernumerary office after the effective date of this amendment. Provided however, any person who, on the effective date of this amendment, has made an election or is otherwise entitled by law to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office, according to the terms of the law under which that supernumerary program was established. Any sheriff or any elected or appointed county official who is serving as a supernumerary official as provided by law on the effective date of this

amendment may continue to serve as a supernumerary official according to the terms of the law under which that supernumerary office was established. Every mayor, sheriff and elected or appointed county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate, any provision of this Constitution to the contrary notwithstanding. Every mayor, sheriff and elected or appointed county official's participation in any such retirement system shall be upon the same terms and conditions as may be specified by law for municipal or county employees and for the purposes of such laws shall be treated as full time municipal or county employees. For the purposes of this amendment the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official but such words shall not include a judge, district attorney, state legislator or any official elected to serve from a judicial circuit.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

No mayor, sheriff or any elected or appointed county official shall assume a supernumerary office after the effective date of this amendment. Provided however, any person who, on the effective date of this amendment, has made an election or is otherwise entitled by law to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office, according to the terms of the law under which that supernumerary program was established. Any sheriff or any elected or appointed county official who is serving as a supernumerary official as provided by law on the effective date of this amendment may continue to serve as a supernumerary official according to the terms of the law under which that supernumerary office was established. Every mayor, sheriff and elected or appointed county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate, any provision of this Constitution to the contrary notwithstanding. Every mayor, sheriff and elected or appointed county official's participation in any such retirement system shall be upon the same terms and conditions as may be specified by law

for municipal or county employees and for the purposes of such laws shall be treated as full time municipal or county employees. For the purposes of this amendment the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official but such words shall not include a judge, district attorney, state legislator or any official elected to serve from a judicial circuit.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

And said Bill, SB 180, as amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 5

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, Corbett, Dixon, Hill, and Little

- 5

On motion of Senator Denton, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 180.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., HB 337, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 337. To provide that contractors performing public works contracts shall receive payment for any additional severance and sales and use taxes incurred as a result of increases in the rate of severance and sales and use taxes imposed during the performance of the contract.

was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 637, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 637. To make a supplemental appropriation from the General Fund in the State Treasury to the Alabama Commission on Aging for the Medicaid Waiver Program for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

On motion of Senator Bailey, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 637.

BUDGET ISOLATION RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill, SB 242.

Senator Langford, B.I.R., SB 242, lost.

Yeas 8 Nays 12

Yeas:

Senators:

Bedsole, Bennett, Escott-Russell, Floyd, Horn, Langford, Wilson, and Windom - 8

Nays:

Senators:

Amari, Bailey, Barron, Bolling, Dixon, Hill, Little, Mitchell, Mitchem, Owens, Sanders, and Smith (J) -12

BUDGET ISOLATION RESOLUTION

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill, HB 1.

Senator Langford, B.I.R., HB 1, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1. To exempt Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

THE BILL:

S. 247. Relating to Class 3 municipalities; to further provide for the number of members of municipal boards, committees, or like bodies.

was taken up.

On motion of Senator Langford, the Rules were suspended and further consideration of the Bill, SB 247, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 121, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon,

Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 121. To amend Section 32-6-150 of the Code of Alabama 1975, relating to the issuance and sale of commemorative license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

was taken up.

Senator Bedsole offered the following substitute for the Bill, SB 121, to-wit:

SUBSTITUTE FOR SB 121

To provide for the registration and licensing of certain motor cycles by the Commissioner of Revenue as "antique motor cycles"; to exempt motor cycles licensed under this act from other motor cycle license and registration fees and ad valorem taxes; and to provide for rules and regulations to carry out this act.

On motion of Senator Bedsole, the Rules were suspended and further consideration of the Bill, SB 121, and pending substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 175, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 175. To amend Sections 16-8-10 and 16-11-18, Code of Ala-

bama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Floyd, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Wilson, and Windom -19

Nays:

- 0

On motion of Senator Lindsey, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 175.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Senator Horn, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

MOTION TO ADJOURN LOST

At 10:50 P.M., Senator Barron moved that the Senate adjourn until Thursday, May 6, 1993, at 11 o'clock A.M., which motion was lost.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 523, adopted.

Yeas 12 Nays 6

Yeas:

Senators:

Campbell, deGraffenried, Escott-Russell, Foshee, Horn, Langford, Lindsey, Mitchell, Owens, Sanders, Wilson, and Windom -12

Nays:

Senators:

Amari, Bailey, Barron, Corbett, Hill, and Little

- 6

BILLS ON THIRD READING RESUMED

THE BILL:

S. 523. To amend Section 36-27-49.3 of the Code of Alabama

1975, to provide for purchase of military service credit in the employees' and teachers' retirement systems.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 13 Nays 10

Yeas:

Senators:

Bennett, Campbell, deGraffenried, Escott-Russell, Foshee, Horn, Langford, Lindsey, Mitchell, Owens, Sanders, Wilson, and Windom -13

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Dixon, Hill, Little, and Mitchem -10

On motion of Senator Foshee, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 523.

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 568, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 568. To amend Sections 41-9-594 and 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission; to authorize the commission to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation; to further provide for the maintenance and dissemination of arrest information; and for this purpose, to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

was taken up.

Senator Mitchell offered the following amendment to the Bill, SB 568, to-wit:

AMENDMENT TO SB 568

On page 4, line 1, after the word "action" delete "~~and all such information shall be eliminated and removed.~~" and insert the following:

and all such information shall be eliminated and removed.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom
-24

Nays:

- 0

And said Bill, SB 568, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom
-24

Nays:

- 0

On motion of Senator Mitchell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 568.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the Bill, SB 490.

Senator deGraffenried, B.I.R., SB 490, adopted.

Yeas 24 Nays 0

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 490. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 490, to-wit:

AMENDMENT TO SB 490

Amend Senate Bill 490, on Page 1, by deleting Line 31.

Further amend Senate Bill 490 on Page 2, as follows:
by deleting Lines 1 and 2 in their entirety.

Which was adopted.

Yeas 24 Nays 0**Yeas:****Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 490, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0**Yeas:****Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial,

Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays: - 0

On motion of Senator deGraffenried, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 490.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 670, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 670. To amend Section 11-88-6, Code of Alabama 1975, to further provide for the membership on the board of directors of an authority organized in a county pursuant to Chapter 88, Title 11, Code of Alabama 1975, to provide water service, sewer service, and fire protection service when the service area includes a resort area and the service area is incorporated or annexed into a municipality.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays: - 0

On motion of Senator Foshee, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 670.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 331, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 331. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; to provide for the rebuttable presumptions of good faith.

was taken up.

The Standing Committee on Public Welfare reported the following substitute for the Bill, SB 331, to-wit:

SUBSTITUTE FOR SB 331**A BILL
TO BE ENTITLED
AN ACT**

Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; to provide for the rebuttable presumptions of good faith.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Quality in Hiring Act."

Section 2. An employer who provides information about the job performance or professional conduct or evaluation to a prospective employer of the former employee, upon request of the prospective employer or of the former employee, is presumed to be acting in good

faith and, unless lack of good faith is shown by clear and convincing evidence, the former employer is immune from civil liability for the disclosure or the consequences for providing the information or evaluation. For purposes of this section, the presumption of good faith may be rebutted only by clear and convincing evidence that the information disclosed by the former employer was known to be false or was known to be deliberately misleading.

Section 3. The provisions of this act shall become effective thirty days after its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, SB 331, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Wilson, B.I.R., SB 450, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 450. To provide that a spouse would be jointly and severally liable for the medical debts of their spouse when the medical care is provided by a hospital licensed by the state.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 3
Abstaining 1

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Little, Mitchell, Wilson, and Windom -18

Nays:**Senators:**

Corbett, Parsons, and Sanders - 3

Abstaining: Senator Smith (J) - 1

BUDGET ISOLATION RESOLUTION

Senator Escott-Russell, B.I.R., SB 604, adopted.

Yeas 18 Nays 3
Abstaining 1

Yeas:**Senators:**

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Little, Mitchell, Wilson, and Windom -18

Nays:**Senators:**

Corbett, Parsons, and Sanders - 3

Abstaining: Senator Smith (J) - 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 604. To amend Sections 12-17-142 and 12-17-143, Code of

Alabama 1975, relating to the terms of office and compensation of supernumerary clerks and registers and contributions to the clerks' and registers' supernumerary fund, to provide further for the compensation payable from the State Treasury, to increase the amount of contributions to the supernumerary fund, and to provide for an effective date.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 604, to-wit:

SUBSTITUTE FOR SB 604

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-17-142, Code of Alabama 1975, is amended to read as follows:

"§12-17-142.

"(a) Every ~~such~~ supernumerary official shall serve for life and shall receive an annual salary in an amount equal to 75 percent of the state salary payable to a circuit clerk on the date ~~such~~ a circuit clerk or register becomes a supernumerary official, payable in equal installments on a twice per month basis.

"(b) In the event of the death of any ~~such~~ supernumerary official, circuit clerk or register who, at the time of his or her death, was serving as or was otherwise eligible to serve as ~~such~~ a supernumerary official, his or her spouse shall receive benefits from the clerks' and registers' supernumerary fund in the state treasury in an amount equivalent to three percent of the salary payable from the state treasury, as prescribed by law for the position of circuit clerk, for each year of service not to exceed 30 percent of ~~such~~ the salary, payable monthly for the remainder of ~~such~~ the spouse's life or until he or she remarries.

"(c) The provisions of subsection (a) of this section shall continue to apply only to those circuit clerks and circuit registers in active service on or after the effective date of Act 90-646. The provisions of subsection (b) of this section shall apply to circuit clerks and circuit registers who were in active service on or after January 16, 1989."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 3
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial,
Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Little, Mitchell,
Wilson, and Windom -18

Nays:

Senators:

Corbett, Parsons, and Sanders - 3

Abstaining: Senator Smith (J) - 1

And said Bill, SB 604, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 3
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial,
Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Little, Mitchell,
Wilson, and Windom -18

Nays:

Senators:

Corbett, Parsons, and Sanders - 3

Abstaining: Senator Smith (J) - 1

On motion of Senator Escott-Russell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 604.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 611, adopted.

Yeas 18 Nays 3
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Denton, Dial,
Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Little, Mitchell,
Wilson, and Windom -18

Nays:

Senators:

Corbett, Parsons, and Sanders - 3

Abstaining: Senator Smith (J) - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 611. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee,
Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons,
Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

On motion of Senator Owens, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 611.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 125, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee,

Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -29

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 125. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett - 1

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 460, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 460. Providing for the rights and obligations of innkeepers and guest relating to their ability to pay, obligation of parents for the liability of their minor children, the right of innkeepers to refuse accom-

modation, maintenance of a guest register, right to eject persons from the premises, and provide for penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 416, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 416. To amend Section 16-8-6, Code of Alabama 1975, relating to vacancies in county boards of education, to provide that an appointee may serve out the unexpired term or until the next regular election, whichever occurs first.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 416, to-wit:

AMENDMENT TO SB 416

Amend Senate Bill 416, on Page 2, Line 2, as follows:

add after the word "first" the following:

" , if 50% or more of the term of office for which the vacancy occurs remains"

Which was adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

And said Bill, SB 416, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

On motion of Senator Campbell, the provisions of Rule 35(b) were suspended to allow transmittal to the House of the Bill, SB 416.

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 535, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 535. To amend Section 41-16-57, Code of Alabama 1975,

relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

was taken up.

On motion of Senator Waggoner, the Rules were suspended and further consideration of the Bill, SB 535, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 612.

Senator Waggoner, B.I.R., HB 612, adopted.

Yeas 17 Nays 3

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Sanders, Waggoner, and Windom -17

Nays:

Senators:

Amari, Mitchell, and Parsons - 3

BILLS ON THIRD READING RESUMED

THE BILL:

H. 612. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

was read a third time at length and passed.

Yeas 20 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Hale, Hill, Horn, Langford, Lindsey, Little, Parsons, Sanders, Smith (J), Waggoner, and Windom -20

Nays:

Senators:

Amari and Mitchell - 2

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 568. To amend Sections 41-9-594 and 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission; to authorize the commission to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation; to further provide for the maintenance and dissemination of arrest information; and for this purpose, to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 180. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that no mayor, sheriff or any elected or appointed county official shall assume a supernumerary office after the effective date of this amendment. Provided however, any person who, on the effective date of this amendment, has made an election or is otherwise entitled by law to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office, according to the terms of the law under which that supernumerary program was established. Any sheriff or any elected or appointed county official who is serving as a supernumerary official as provided by law on the effective date of this amendment may continue to serve as a supernumerary official according to the terms of the law under which that supernumerary office was established. Every mayor, sheriff and elected or appointed county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate, any provision of this Constitution to the contrary notwithstanding. Every mayor, sheriff and elected or appointed county official's participation in any such retirement system shall be upon the same terms and conditions as may be specified by law for municipal or county employees and for the purposes of such laws shall be treated as full time municipal or county employees. For the purposes of this amendment the words "elected or appointed county official" shall include

any person appointed to serve the remaining term of an elected or appointed county official but such words shall not include a judge, district attorney, state legislator or any official elected to serve from a judicial circuit.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 490. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 604. To amend Section 12-17-142, Code of Alabama 1975, to provide for surviving spouse benefits, paid from the clerks' and registers' supernumerary fund, for certain supernumerary clerks and registers.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 416. To amend Section 16-8-6, Code of Alabama 1975,

relating to vacancies in county boards of education, to provide that an appointee may serve out the unexpired term or until the next regular election, whichever occurs first.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 434. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 533. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

DON HALE,
Chairperson.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State with the date and hour of delivery, to-wit:

SB 371

Delivered to the Governor, May 5, 1993, at 11:46 A.M.

**REGULAR SESSION
28th Day**

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SB 94	SB 590	SB 624
SB 413	SB 594	SB 665
SB 553	SB 595	SB 141
SB 560		

Delivered to the Governor, May 5, 1993, at 4:10 P.M.

SJR 91	SJR 107	SJR 126
SJR 93	SJR 108	SJR 127
SJR 94	SJR 113	SJR 128
SJR 95	SJR 114	SJR 130
SJR 98	SJR 115	SJR 131
SJR 101	SJR 116	SJR 133
SJR 102	SJR 117	SB 304
SJR 103	SJR 120	SB 162
SJR 104	SJR 121	SB 303
SJR 105	SJR 122	SB 420
SJR 106	SJR 125	SJR 92

Delivered to the Governor, May 5, 1993, at 5:30 P.M.

SB 550	SB 559
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Delivered to the Secretary of State, May 5, 1993, at 6 o'clock P.M.

SB 12	SB 13
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Delivered to the Governor, May 5, 1993, at 6:03 P.M.

SB 4	SB 14
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Delivered to the Governor, May 5, 1993, at 8:30 P.M.

**McDOWELL LEE,
Secretary of Senate.**

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:45 P.M., on motion of Senator deGraffenried, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, April 6, 1993, at 11 o'clock A.M.